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ABSTRACT

This booklet presents proceedings from hearings on H.R. 3781, the Missing Children's Act, legislation which proposes the establishment of a centralized computer system that would become a national clearinghouse of information on missing children and would expedite the efforts of both parents and police in locating and identifying dead and/or missing chldren. The materials provide evidence currently in the public record about the increasing national tragedy of missing children, and the testimony of: (1) knowledgeable legislators; (2) parents who have experienced the frustrations of trying to locate first their kidnapped son and then his murderer; (3) experts, e.g., a doctor specializing in forensic pathology, who becomes involved when a child is reported missing or is found dead or alive; and (4) the Assistant Director of the Federal Bureau of Investigation's Technical Services Division. Also included are excerpts from the National Crime Information Center Newsletter; testimony from the Executive Director and a forensic psychologist for Child Advocacy, Inc., a non-profit corporation dedicated to improving systems and services for children; case studies of missing children; and additional material pertaining to the proposed legislation. (PAS)

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MISSING CHILDREN'S ACT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 3781

MISSING CHILDREN'S ACT

NOVEMBER 18 AND 30, 1981

Serial No. 33

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3

CONTENTS

Page
November 18, 1981 1
November 30, 1981 35

WITNESSES

Abbott, Denny, Child Advocacy, Inc 92
  Prepared statement 78
Boyd Kier T., Inspector, Deputy Assistant Director, Technical Services Division, FBI 36
  Prepared statement 37
Dennis, Richard, Assistant Section Chief, Criminal Investigation Division, FBI .. 36
Hawkins, Hon. Paula, U.S. Senator from the State of Florida 2
  Prepared statement 4
McClure, John, Child Advocacy, Inc 92
  Prepared statement 78
Nemecek, David F., NCIC Section Chief, FBI 36
Peyser, Hon. Peter A., a Representative in Congress from the State of New York 15
Simon, Hon. Paul, a Representative in Congress from the State of Illinois 10
  Prepared statement 11
Shaw, Hon. Clay, Jr., a Representative in Congress from the State of Florida... 18
  Prepared statement 18
Walsh, John, Adam Walsh Outreach Center for Missing Children 19
  Prepared statement 23
Walsh, Reve, Adam Walsh Outreach Center for Missing Children 19
  Prepared statement 23
Wright, Ronald K., district medical examiner, State of Florida 29

ADDITIONAL MATERIAL

Brown, Kristin Cole, Information Director of Child Find, prepared statement .. 112
DiNova, Betty, Dee Scofield awareness program, prepared statement 118
Hoffman, Herbert E., director, American Bar Association, letter dated December 8, 1981, to Hon. Don Edwards 106
LaFalce, Hon. John J., a Representative in Congress from the State of New York, prepared statement 104
Minish, Hon. Joseph G., a Representative in Congress from the State of New Jersey 104
"Missing and Unidentified Deceased Persons Files: Development of a National Repository," Congressional Research Service, Library of Congress, November 12, 1981 109
Webster, Hon. William H., Director, FBI, letter dated November 17, 1981, to Hon. Don Edwards 126

MISSING CHILDREN'S ACT

WEDNESDAY, NOVEMBER 18, 1981

House of Representatives,
Subcommittee on Civil and Constitutional Rights,
Committee on the Judiciary,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:30 a.m., in room 2141, Rayburn House Office Building, Hon. Don Edwards (chairman of the subcommittee) presiding.

Present: Representatives Edwards, Schroeder, Washington, Hyde, and Sensenbrenner.

Staff present: Catherine A. Leroy, counsel; Janice E. Cooper and Michael Tucevich, assistant counsel; and Thomas M. Boyd, associate counsel.

Mr. **Edwards**. The subcommittee will come to order.

Today we begin consideration of H.R. 3781, the Missing Children's Act. It is a tragedy of our society that each year approximately 150,000 of our children are reported missing. The tragic events in Atlanta are apparently not an isolated occurrence. The vast majority of these cases go unpublicized and apparently receive little, if any, assistance. The pressure and anxiety which must be borne by the families of these children is worsened as a result of months and even years of uncertainty.

This bill attempts to create a national clearinghouse of information with respect to both missing children and unidentified deceased individuals. It is our hope to use available technology to expedite the efforts of both parents and police in locating and identifying missing children. Perhaps, such a centralized computer system can help to reduce the trauma and suffering caused by the absence or loss of a child.

I recognize the ranking minority member, the gentleman from Illinois, Mr. Hyde.

Mr. **Hyde**. Thank you, Mr. Chairman. Speaking for all of us, I believe I can say that we are very pleased to commence these hearings on this important legislation. Congressman Paul Simon initiated this bill in the House, Senator Paula Hawkins initiated the legislation in the Senate, and Congressman Clay Shaw has been very instrumental in advancing this issue.

This is the first opportunity that we have had to hold hearings on this legislation, because this subcommittee has been very busy on the Voting Rights Act, on busing legislation, on legislation concerning the FBI, the Justice Department authorization, and many, many other important issues. Legislation is needed to utilize the resources of the FBI, which are national in scope, and it is hoped that such legislation will prod the States to cooperate, because the information that is put in these computers is only as good as the cooperation that provides the information from local police departments. So this is the beginning of a long road to achieve success, an indispensable and essential beginning.

I congratulate the chairman for scheduling these hearings, and look forward to the testimony.

Mr. **Edwards**. The gentlewoman from Colorado.

Mrs. **Schroeder**. I want to compliment the gentleman for calling these hearings, and ask unanimous consent that the subcommittee permit coverage of this hearing by television or radio broadcast or still photos in accordance with rule 5.

Mr. **Edwards**. Without objection.

The gentleman from Illinois?

Mr. **Washington**. No.

Mr. **Edwards**. We are pleased to welcome our distinguished colleague from Illinois and the original author of H.R. 3781, Hon. Paul Simon. We welcome you.

Mr. **Simon**. I understand that Senator Hawkins has some business in the Senate that is pressing. If I may, with the approval of the committee, yield to her and then testify immediately after Senator Hawkins, I would like to do that.

Mr. **Edwards**. I am sure that the committee would be happy to cooperate with the request. Senator Hawkins, would you like to testify at this time?

It is a great pleasure to recognize and to welcome to the House of Representatives Senator Paula Hawkins from the great State of Florida.

TESTIMONY OF HON. PAULA HAWKINS, A SENATOR FROM THE STATE OF FLORIDA

Mrs. **Hawkins**. Thank you. I appreciate the consideration of the time constraints on all of us in these particular days. I did bring my beeper, but I still say if I had wanted to wear a beeper, I would have been a doctor.

Mr. Chairman, and members of the subcommittee, we thank you for the opportunity to appear before you on a subject that is vital to all American families.

Your consideration of the legislation before you today is an imporant step forward in the work of this Congress to insure the safety of our children. Your efforts are really appreciated by all families and Members of the 97th Congress.

By introducing H.R. 3781, Congressman Simon of Illinois has shown his foresight and good judgment in identifying and proposing a solution to a national tragedy. His introduction of the Missing Children's Act is a significant step and has focused the attention of the Congress on this terrible problem.

His judgment has been bolstered by evidence now in the public record about this increasing national tragedy. Here are the facts:

First, while no one among us can accurately describe the extent of the problem, estimates are that as many as 1.8 million children disappear each year, according to the Department of Youth Development in Health and Human Services.

Second, many children who disappear become the victims of crime, are exploited, and are in constant danger. While many children run away from abuse, physical and sexual, or from intolerable home lives, once they are on the street they are fair game for child molestation, prostitution, and other exploitation.

A special issue concerns parental kidnaping. Frequently, when a parent kidnaps his own child, the situation is not what it appears to be. It may seem that one loving parent, unable to withstand the separation from his child, removes him or her to a safe and loving home. Unfortunately, we have found this is often not the case.

Too often a dangerous situation exists for the child who is the victim of a parental kidnaping. Too often the snatching parent is the one with the history of abuse or instability. Child Find, a great organization that testified for our Senate hearings, claims that 60 percent of the abducting parents have criminal records.

And finally, the emotional damage to a child who is kidnaped by a parent is as significant as the physical abuse he or she may be subjected to. In most cases, the child is told that the other parent does not love him any more and does not wish to see him again. This brainwashing, combined with being permanently deprived of one parent, has a devastating effect on the psychological development of such unfortunate children.

Mr. Chairman, whatever the reason a child has lost his home, he is in serious danger. Whether the child was removed by abduction, parental kidnaping, or runs away, once on the street and alone the child is fair game for every kind of exploitation imaginable.

Though it may be comforting to ignore it, children on the street are often sexually exploited. Child prostitution and pornography is a very real part of life on the street. In a recent study done in Louisville, Ky., 60 percent of the children found on the streets had been sexually abused during their time away from home.

Third, available statistics indicate that only 10 percent of children missing for an appreciable period of time are entered into the national missing persons file, although 47 States formally participate in this system.

Testimony before the Senate revealed that often local and State police officials either do not know about the national clearinghouse or refuse to use it. Steps must be taken to insure that a greater percentage of missing children are entered into the system, are located, and returned safely to their homes. The existing situation is a national disgrace.

Fourth, presently the FBI collects information from States which choose to send information on missing persons only on a voluntary basis.

The Congress must send the country a message that we care at least as much about finding missing children as we do about finding stolen cars and even refrigerators which are kept on computerized file. It can do so by requiring by statute that a national missing persons file be maintained and improved.

Fifth, missing children and others do not always survive their ordeals, and their families never find out. Each year about 2,000 to 5,000 cases involving the unidentified dead are closed. If there were a way for officials who find an unidentified dead body to cross-reference a national missing persons file, many of the cases could be solved. Families and friends would not have to live with false hope and despair forever.

For these reasons, I believe the subcommittee should approve H.R. 3781, with the following minor revisions.

First, all missing children, including those who are victims of parental kidnaping, should be entered into the computer system, because they all are exposed to serious danger and abuse.

Second, there should be no waiting period before declaring a child missing. Law enforcement officials have stated that the first 24 hours represents the most vital part of a police investigation. The first hours may be crucial, so all available tools must be ready for use immediately.

Third, parents should be able to have their missing children listed in the FBI computer if local or State officials fail to do so. This gives grieving parents a chance to help locate their children by contacting the FBI directly if unsympathetic law enforcement personnel do not cooperate. It will also guarantee that the 10-percent utilization rate increases sharply.

Fourth, data on the unidentified dead should be placed in a national data base 15 days, we feel, after discovery of the deceased individual. The overwhelming number of such cases are solved within 2 weeks. By waiting until the 15th day, unnecessary entries and deletions can be avoided.

There have been some questions raised about the privacy rights, if indeed we let parents have access to the clearinghouse. The privacy rights of the children are respected and protected in this legislation. The age of majority is 18 years in most of our States. Children older than 18 cannot be listed unless they are kidnaping victims or under a physical or mental disability. The system would track systems currently in use by the FBI.

To conclude, I believe that we must bring together all of the technology, resources, and capability available today to aid in this endeavor. It would be a sad commentary on our society if it was said that a great nation such as ours had abandoned its lost children.

Once again, I want to thank this subcommittee. I want to thank Congressman Simon and the chairman for holding these important hearings. No one can deny that solving the missing children problem is profamily, and I wish you Godspeed in your deliberations.

[The prepared statement of Senator Hawkins follows:]

STATEMENT OF SENATOR PAULA HAWKINS

Mr. Chairman and members of the Subcommittee, thank you very much for this opportunity to appear before you on a subject that is of vital concern to all American families.

Your consideration of the legislation before you today is an important step forward in the work of this Congress to ensure the safety of our children. Your efforts are really appreciated by all families and members of the 97th Congress.

By introducing H.R. 3781, Congressman Simon of Illinois has shown his foresight and good judgement in identifying and proposing a solution to a national tragedy. His introduction of the Missing Children Act is a significant step and has focused the attention of the Congress on this terrible problem.

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Testimony before the Senate revealed that often local and State police officials either do not know about the national clearinghouse or refuse to use it. Steps must be taken to ensure that a greater percentage of missing children are entered into the system, are located, and returned safely to their homes. The existing situation is a national disgrace.

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Once again, I want to thank this Subcommittee, for holding these important hearings. No one can deny that solving the missing children problem is pro-family, and I wish you Godspeed in your deliberations.

MISSING PERSONS FILE ACTIVITY BY STATE FOR AUGUST 1981

[Populations in millions]

State	Entries	Population	Utilization rank [1]
Alabama	11	3.9	43
Alaska	34	.4	7
Arizona	270	2.7	4
Arkansas	11	2.3	41
California	507	23.7	25
Colorado	276	2.9	5
Connecticut	222	3.1	13
Delaware	31	.6	18
Florida	885	9.8	6
Georgia	87	5.5	31
Idaho	3	.9	42
Illinois	835	11.4	10
Indiana	78	5.5	32
Iowa	193	2.9	12
Kansas	23	2.4	35
Kentucky	83	3.7	25
Louisiana	68	4.2	36
Maine	2	1.1	45
Maryland	589	4.2	46
Massachusetts	318	5.7	16
Michigan	690	9.3	9
Minnesota	296	4.1	11
Mississippi	19	2.5	38
Missouri	500	4.9	3
Nebraska	72	1.6	19
Nevada	18	.8	24
New Hampshire	18	.9	27
New Jersey	424	7.4	15
New Mexico	8	1.3	39
New York	1,446	17.6	8
North Carolina	71	5.9	33
North Dakota	31	.7	20
Ohio	333	10.8	21
Oklahoma	26	3.0	36
Oregon	616	2.6	2
Pennsylvania	291	11.9	22
Rhode Island	188	9.4	28
South Dakota	16	.7	23
Tennessee	47	4.6	34
Texas	850	14.2	14
Utah	12	1.5	37
Vermont	1	.5	44
Virginia	295	5.3	17
West Virginia	11	2.0	40
Wisconsin	1,155	4.8	1
Wyoming	9	.5	29

[1] Order is determined by entries per capita submitted to the BFI.

Note: Hawaii, Montana, Puerto Rico, South Carolina, and Washington submitted no data at all.

Source: FBI and Bureau of the Census.

Mr. Edwards. Thank you very much, Senator, for a splendid statement.

Congresswoman Schroeder.

Mrs. Schroeder. Thank you very much, and we welcome you to the committee. One of the questions that some have asked me about is what are you going to put in the file that will really help identify the child, that will make it unique. I understand you will put in the name, the date of birth, the clothing, and physical description, where they were last seen and persons to contact if found, but there will not be fingerprints or dental records, is that right?

Mrs. Hawkins. It is a form the FBI has worked with us on for information they feel is essential for locating the child.

Mrs. Schroeder. And they feel that is all they need?

Mrs. Hawkins. That is my understanding.

Mrs. Schroeder. Did the FBI testify?

Mrs. Hawkins. My staff has worked closely with them on the language. They presently feel that it is underutilized, the police have access to the system and do not use it, and a lot of the local police do not want to enter into it because it would become a statistic that is not solved, so having the simplest of information would be a giant step forward without invading the privacy of the children. I believe there are 47 or 48 items that we discussed that could be on the form.

Mrs. Schroeder. What will be the motivating factor to get the local police to use it?

Mrs. Hawkins. Our main idea is to get awareness of the problem nationally. We have testimony from the chiefs of police that worked with us, they said there is lack of understanding in rural communities, and that by having a national interest and a national motivation toward this we could have the cooperation of each State legislature such as yours in Colorado. California and Arizona already have the dead body file. We feel if we set the national pattern, then each State can have the State law go into effect.

The reason we are working so hard on this and moving it rapidly is because we feel one day could save one child's life, and indeed the very modest amount of information that they feel is necessary to enter into a clearinghouse that is available—the clearinghouse is there today. They put guns, motorboats, refrigerator numbers, they put anything in there; this will not clog the system.

Mrs. Schroeder. I understand that serial numbers are identifiable. The date of birth, that type of thing is a little different than a serial number. That is why I wondered if they felt they needed more information such as dental records, fingerprints, anything that would be more of an identifying mark that would help them. That is the concern that I have heard in talking to people about the bill, that they felt that they needed something that really helped them get beyond that, just a list of names and when they were born and when last seen, that is better than nothing, but maybe we need to go further.

Mrs. Hawkins. That is the beginning. We do not want to give each child a number.

Mrs. Schroeder. I understand that, but there are things that identify that the FBI uses.

Mrs. **Hawkins**. Scars. I have one on my cheek that I obtained when I fell off my trike when a year-and-a-half old. An identifying mark on the face, that is on the forms, but it is still not so inclusive that it would be a burden on the system. It was a modest amount of information that they felt would be adequate.

Mrs. **Schroeder**. You feel the momentum would pick up so that the State and local police would not feel that they were just increasing their statistics if they went that way?

Mrs. **Hawkins**. Yes; we had testimony from families in Atlanta, where the tragedy raised national consciousness to the problem. They had no cooperation from the local police. The families got together each time they read about another child and had another meeting and pieced it together. They gave us great advice. The FBI is cooperative. We had evidence in one of the hearings I read that local policemen, a rural policeman came to a home, filled out the form and never did anything with it about the child, just took it back and left it in the office. The parents hired a detective later and found out that information was still on his desk, and the parents should not have to do that. The parents should be able to watch it being fed into the computer. It gives you comfort to know that now it is in the total system and can have access by all police.

Mrs. **Schroeder**. The trick is to make sure someone takes it out and uses it?

Mrs. **Hawkins**. Child Find is an exceptionally tremendous organization that has much more experience probably than a lot of police organizations and law enforcement organizations, and they found that the continued awareness by the concerned parent and constant calling back, by having this law, they have something to lean on that makes it mandatory.

Mrs. **Schroeder**. Thank you, Mr. Chairman. I know I have expended my time. Thank you.

Mr. **Edwards**. Mr. Hyde.

Mr. **Hyde**. Thank you, Mr. Chairman. Senator, the passage of this legislation or similar legislation is simply the first step, is it not, in raising consciousness and awareness of the problem, giving parents in Florida or South Carolina hope that some track is going to be made in California or Wyoming should their child be kidnaped and transported out of the immediate locality? By passing this legislation we put something on the books that raises people's awareness, law enforcement particularly, but then we must get State legislatures to get something passed that will require that their local law enforcement put this information into a computer of lost and found children, so that the information available at the national clearinghouse will be comprehensive. But you cannot do the second without the first, and so this is a first step, and then it is up to all of us to try to alert our State legislators. Is that not correct?

Mrs. **Hawkins**. That is correct. We have had so many tragedies just in the last 18 months that have caused all of us to reexamine how finely should we tune this legislation. If each day we could be solving and locating some of the children, we can have a review a year from now see how it is working. Indeed the Walshes from Hollywood, Fla., who are going to be witnesses, have turned a tremendous tragedy into an example of courage. While they are grieving parents, they have been able to help us and help others take these modest steps, very modest steps. I think we could have hearing after hearing and delay a year or two and it would be a very refined science, but they are urging and other parents that are concerned, it is a national problem, urge let us have this modest step first. We can add to it or delete later on, and let us get on with it. It is a great example that Government can act rapidly in national emergency, and that is what we have before us today.

Mr. **Hyde**. In this era of computers it is foolish not to utilize these resources. It is like having a telephone and never making a phone call. The information is out there, it is there, let us put the two together and utilize it. I think it is a great idea.

Thank you, Ms. Hawkins.

Mr. **Edwards**. Mr. Washington.

Mr. **Washington**. Thank you, Mr. Chairman.

This is a laudable venture. I hope it turns out to be more than that. I hope it does not raise false hopes, because it is somewhat nebulous to me.

Can you spell out what role if any the FBI will play? Do you see in the future that it will be necessary to involve the FBI further? And third, would you comment on do you see any confusion in the mountain of information coming in from the parent of a child being found in 48 hours and no feedback from the parent? Would you clear up those areas, FBI perceived involvement, and the confusion that might come from this mountain of information with no stated means of followup?

Mrs. **Hawkins**. The FBI is simply allowing us to use the clearinghouse. Let local and State law officials have access to this computer. They already do on a voluntary basis. And the FBI stated that less than 10 percent of the missing children are ever listed in that computer. So they do not want to be, a national child find. That is not their role. They cannot even come into kidnaping or missing children cases unless there is evidence that they are across State lines. We are using the FBI computer and the information is being fed into that computer by local and State law enforcement officials.

Mr. **Washington**. In your numerous discussions with FBI officials, was the future role of the FBI projected?

Mrs. **Hawkins**. We have not discussed that at all. We have the tools—this machinery is available today, as I have stated. The technology is there, and it is at no extra cost to the Government to feed this information into the computers.

Mr. **Washington**. Is it self-feeding and no man-hours involved?

Mrs. **Hawkins**. They are putting in refrigerators, putting in guns, there was no cost. They said that we would not need extra money to do this.

Mr. **Washington**. My second question is vague. What happens, a parent puts information in 24 hours after their child is missing; the parent finds the child 40 hours later, what happens?

Mrs. **Hawkins**. It is taken out, just like a refrigerator or boat or car. They take it out and clear it. They find that it comes right out. If you are with a policeman and you see a license plate, you will know immediately that that car is stolen. It is located, they take it out of the clearinghouse, so it is an automatic clearout when reported back.

Mr. **Washington**. This is a great hope yet to be defined?

Mrs. **Hawkins**. Yes, we would like to try it.

Mr. **Washington**. I hope it is not sold to the American people in any greater potency than that. I think it would be shattering if many parents of missing children think that this is the answer.

Mrs. **Hawkins**. Oh, no, this is an aid.

Mr. **Washington**. A step toward an aid.

Mrs. **Hawkins**. It is a step toward locating these children. The solution, of course, is not to have any missing children. We would like them to stay home with their parents and be happy. Mrs. Bell testified in our hearings in Atlanta and was very helpful in telling us what would have been of help to those parents early on in the Atlanta tragedy. This would have been of great benefit to them if the parents had access.

Mr. **Washington**. In what way?

Mrs. **Hawkins**. By listing their children missing in that computer.

Mr. **Washington**. And then what? After listed, then what?

Mrs. **Hawkins**. The children are at least looked for all over. Right now she said, Mrs. Bell testified that they really winked at it and did not want it talked about, because Mrs. Bell said that after three or four of these happenings the parents would meet and they are told by local officials, not law enforcement, but local elected officials, not to talk about this because Atlanta was a large city, convention city, and they did not want it to become an epidemic and put a blight on that city.

Mr. **Washington**. Aside from that, I fail to see how listing those children would have helped in that case. Their pictures were in the paper. How would it have helped?

Mrs. **Hawkins**. Their pictures were in the paper after it became an epidemic. The first two or three were not listed, they were not discussed. It was discovered they were not even in a countywide search. It was in a very localized area.

Mr. **Washington**. Thank you.

Mr. **Edwards**. Thank you very much, Senator Hawkins, we appreciate your testimony.

Mrs. **Hawkins**. Thank you.

Mr. **Edwards**. It is the pleasure of the subcommittee now to hear from the original author of the bill, our good friend and most distinguished colleague from the State of Illinois, Congressman Paul Simon.

TESTIMONY OF HON. PAUL SIMON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. **Simon**. Thank you. You are going to be hearing from some parents. One of the things that I have learned in this process is that there are parents who not only are grieving, but are willing to do something about it. It is one of the heartening things to see parents come in and say we have got to do something.

The figures you will get will vary. Let us take the most conservative estimate, and that is that 50,000 young people disappear each year, because of "stranger kidnappings." That is the most conservative estimate you will get anywhere. If that is the correct number, or if it is appreciably higher, it seems to me that it is a significant number and that we ought to be taking a look at these problems.

There are about 4,000–8,000 of these children each year who are found dead and probably a majority have experienced some type of sexual exploitation.

I had an experience yesterday, Mr. Chairman and members of the subcommittee. I had a car disappear for 24 hours. It is very interesting that when that car disappears, that immediately goes on the Federal records. There is no commensurate movement if I had a 10-year-old child who disappeared. I would like to enter my full statement in the record at this time and briefly summarize my remarks. I do not want to repeat——

Mr. **Edwards**. Without objection, so ordered.

Mr. **Simon**. In addition to having the clearinghouse, and I may get the attention of my colleague from Illinois, Mr. Washington, because I think this answers his question about specifics, one of the things that we do in this bill for the first time is to have a national registry for unidentified bodies. What is happening right now, since there is no national registry for unidentified bodies, is that parents will spend money with private detectives, they will put ads in papers, when in fact somewhere in Arizona or somewhere there is an unidentified body that is, tragically, their child. Those parents at least ought to have that knowledge. And that is what this bill does.

My bill differs from Senator Hawkins' bill to some extent, and I think I ought to spell those differences out for you. I have no objection to the additional features of her bill. My bill applies only to those under 17, because that reduces the number of entrants in the clearinghouse and protects the rights of older teenagers. My bill does not apply to runaway—to those who have a history of being runaways. If it is the first time a child disappears, that is covered by my bill. It does not apply to parental kidnaping, which gets to be a knotty kind of situation. I have no objection to the bill covering those features, but it does greatly expand what is covered by my bill.

There are two things that Senator Hawkins has in her bill that I think are significant improvements. One is that it permits parents to report directly to the FBI. In the event local police do not move, parents ought to be able to do that. Second, the improvement on the waiting period I think is an improvement on my bill. I would add that I had breakfast with the Director of the FBI to discuss this. I do not want to be in a position of saying the FBI favors this but I think I am accurate in saying there is no objection on the part of the FBI. They feel that they can move in the direction of accommodating this legislation, and that there is a real need here.

I would be happy to answer any questions that you might have.

[The prepared statement of Representative Simon follows:]

STATEMENT OF HON. PAUL SIMON

Mr. Chairman, and members of the Subcommittee, I want to thank you for this opportunity to address you today.

On June 3, 1981, I introduced a bill, H.R. 3781, the Missing Children's Act. This bill addresses one of our nation's most tragic problems. Each year in this country 50,000 children disappear from their home. These children are not runaways. They are not objects of parental kidnappings. They are innocent victims taken from their families by strangers. Four thousand to eight thousand of them are later found dead—many of them sadistically abused and murdered.

The existence of this problem first became a part of our national conscience during the Atlanta slayings last year. We were made aware that there were sick, criminal minds in our society who preyed upon innocent children. But Atlanta was only the tip of the iceberg. When my staff started investigating the problem of missing children, they learned that thousands of families all across this country were faced with the same devastating tragedy as the parents in Atlanta. Children disappear in small rural towns as well as in large metropolitan areas.

One of the most difficult obstacles faced by the families of missing children is the lack of coordinated law enforcement procedures to locate their children. While some local police departments have excellent resources and methods of finding children, others have no procedures at all. Even more importantly, there is no uniformly used method to notify other law enforcement agencies that a child has been reported as missing. Therefore, if a child has been taken across State lines, it is highly unlikely that he will be found and returned. H.R. 3781 addresses this problem directly.

The Missing Children's Act would create a clearinghouse through the FBI which would list the names and identifications of missing children. A second clearinghouse would also be established to list descriptions of unidentified bodies. Presently there is no national registry for unidentified bodies. If the body of a child or adult is found in an area far from his or her home, chances are that body will be buried but never identified. At the same time, the family of that person will still be frantically hoping and waiting for the return of their loved one.

The specific provisions of my bill are as follows:

The Attorney General is authorized to collect, acquire and exchange information to assist other law enforcement officials in locating missing children;

Only children under the age of 17 who are not the victims of parental kidnappings and who do not have a history of being runaways are covered; and

The Attorney General is authorized to collect and acquire data to assist in the identification of unidentified deceased individuals.

A bill similar to H.R. 3781, S. 1701, has also been introduced on the Senate side by Senators Hawkins, Denton, Pell, Specter, and Thurmond. While the goals of the two bills are identical, the specifics do differ. Among those differences are the following:

The length of time for identification of a body is decreased from 30 days in H.R. 3781 to 15 days in S. 1701;

Under the Senate bill parents, legal guardians, and next of kin can report disappearances of children directly to the FBI;

There is no age limit specified in the Senate bill; and

The Senate bill does not prohibit the inclusion of habitual runaways or parent kidnapping victims.

I encourage the members of the Subcommittee to carefully review the differences between the House and Senate bills. Senator Hawkins and her staff have spent a great deal of time investigating the missing children's problem and reviewing the legislation. Some of the changes they have proposed are sound and I would not oppose their being added to my bill.

There is one area, however, in which I feel we must act cautiously. That is ensuring that the rights of individuals are not infringed upon. I am therefore concerned that the lack of an age limit might result in the denial of the right of older teenagers (above age 18) to leave home.

I want to commend you Mr. Chairman for holding this hearing. While this legislation is an essential step in providing help to families in locating missing children, this hearing also serves another purpose. Through hearings we are able to bring to the public awareness the seriousness of this problem and what danger our children are in.

My staff and I have talked to hundreds of families who have been through the ordeal of losing a child they treasured. In most cases, those families still do not know where their child is or even if he or she is dead or alive. Some families have lived with this void in their lives for years.

Our children are our most important resource for the future. It is a national disgrace that a country which can send men to the moon, cannot develop a national system to find its lost children. If your car is stolen an alert is sent to the Federal government and every police department in the country has access to that information. If your child is taken, no such alert is given. Usually the only police agencies aware of your plight are those in your local area. In essence you are left on your own to try to locate the most important possession you will every have.

Mr. Edwards. Thank you very much, Mr. Simon. The gentlewoman from Colorado.

Mrs. Schroeder. I want to thank the gentleman from Illinois for being here this morning. Unfortunately, I have to run off to another hearing, but I want to compliment him on his work, and we appreciate your care.

Mr. Simon. I understand that.

Mr. Edwards. Mr. Hyde.

Mr. Hyde. Thank you, Mr. Chairman, and I associate myself with the accolades of the gentlewoman from Colorado. I think this is an example of the thoughtful legislation that the gentleman is in the habit of initiating, and I regret I am not a cosponsor. You do not mind them raising the age to the age of "emancipation"?

Mr. Simon. I have no objection to that. I tried to put a fairly conservative bill together so we could get something passed and get a start. I think it is desirable.

Mr. Hyde. Runaways can be just as heartbreaking to parents and just as dangerous to the child if a child has a propensity to run away. It seems to me that there is no good reason for excluding them, and you would accept that in your bill?

Mr. Simon. I certainly would.

Mr. Hyde. The parental kidnaping, as we have heard this morning, can lead to abuse of the child, so you are willing to accept that as well——

Mr. Simon. I would abide by the judgment of the committee on that. That does get to be a knotty problem but it is one that we have never really faced in Congress. I do not know what we can do about it, but I do not see any harm coming from adding it to my bill.

Mr. Hyde. You can see the anguish to the parent whose child is now gone and who cannot locate the alienated spouse, the money that could be spent on private detectives and all of that, and I just do not think there is any good reason why we should not include it, particularly if the statistics are remotely accurate. The abuse of the child, hatred between the parents is often visited on the poor child and waiting 48 hours—you do not object to removing that, either?

Mr. Simon. No. As a matter of fact, I think it is probably an improvement on my bill. I think that clearly is a desirable feature.

Mr. Hyde. I again commend you for very thoughtful legislation and effective advocacy thereof. Thank you.

Mr. Simon. Thank you.

Mr. Edwards. Mr. Washington?

Mr. Washington. I do not think I see the distinction between your bill and Senator Hawkins' bill. What is the difference?

Mr. Simon. Her bill just covers a little more territory. My bill applies only to those under 17; her bill goes through the age of 18. My bill does not cover those who have a history of being runaways; her bill does. My bill does not cover parental kidnaping; her bill does. Again as I indicated to our colleague from Illinois, I have no objection to legislation covering those things.

Her bill has one other feature that I think is a significant improvement and that is it permits parents or guardians to report directly to the FBI. If you have a local police situation where the local police are not doing anything, obviously parents ought to be permitted to give that information to the FBI.

Mr. **Washington**. Both incorporate the unidentified bodies?

Mr. **Simon**. That is correct. That has been a need aside from the whole missing-children thing. We have never had that kind of national registry for unidentified bodies, even for those 80 years old. We ought to have that.

Mr. **Washington**. It may appear ghoulish, but I think that is a distinct contribution here.

Thank you very much.

Mr. **Edwards**. Mr. Simon, presently the law provides that missing juveniles can be entered into the NCIC. However, under rather strict controls, you do not envisage just a parent being able to pick up the telephone and calling the FBI, do you?

Mr. **Simon**. I think that option ought to be open. I think that the procedure ordinarily should be as it is, for the parent to call the local police. That is what the parents do. But if the parents discover, and we have case after case of this happening, that nothing is reported to the FBI. Frankly, the police feel at this point generally that they report only if there is a kidnaping or if there is evidence of violence. Ordinarily, for example, if you have a 10-year-old boy and he goes to catch a schoolbus and then he just disappears, that boy does not get entered in the record right now, because the local police have no evidence of kidnaping or violence. I do not think that we are going to have a massive kind of calling of the FBI directly by parents. As long as the local police do their job, and I think the local police will if this legislation is enacted.

Mr. **Edwards**. Yes, because now under the present law, the local police can put a missing child with the missing child's description into the NCIC and it is there, but it is not going to get in there if the local police will not put it in.

Mr. **Simon**. That is correct. It is strictly a voluntary service by the FBI. In most cases the FBI's estimate is that 10 percent of those missing are reported; so 90 percent of them are not being entered right now.

Mr. **Edwards**. This subcommittee has had quite a lot to do with the NCIC for many years. It has been our principle that it is a criminal justice aid and not a missing persons aid. We had problems in agreeing that it should contain missing persons. But it has really worked out pretty well. Would you not think that there have to be some very good rules on this so that we would not unduly complicate the NCIC system, which has a very essential law enforcement purpose?

Mr. **Simon**. Absolutely, and I think your subcommittee ought to ask the FBI to come in, after they have taken a look at the legislation; they may have suggestions on modifications that are very sound. It ought to be very carefully looked at, because we are talking about a subject that is extremely important.

Mr. **Edwards**. Yes. I am not quite sure how this is going to aid in locating the missing children.

Mr. **Simon**. It will aid in this way, Mr. Chairman. Right now what do you do if you are in Phoenix, Ariz., and you have a child who all of a sudden is there, the chances are now that child is not going to be on any central register that you can check, although you may have questions about the child's status.

Mr. EDWARDS. The child would not know its name?

Mr. SIMON. A 2-year-old child or someone like that? When we are talking about young people, we are talking about many who are infants. There are people who have an emotional desire to have a child, so they see a child in a little basket outside of a grocery store, and they just pick up the child and disappear.

Mr. EDWARDS. Well, your testimony is excellent, you are making a great contribution, and the subcommittee congratulates you, thank you very much, Mr. Simon.

Mr. SIMON. Thank you.

Mr. EDWARDS. Mr. Hyde.

Mr. HYDE. Very simply, if a 4-year-old child turns up at a bus station in Phoenix, and you live in Charleston, S.C., you have lost your 4-year-old, let us say little girl, maybe the little 4-year-old does not remember her name in Phoenix, but all of a sudden you are informed there is a 4-year-old girl in Phoenix who is unidentified, and you can get on the next plane and go to Phoenix and see if that is your daughter, and that is something that is not available now. You have lost your 4-year-old daughter in Charleston and you have reported it to the local police and you just sit there and die. At least there is a correlation between found children and lost children, that if you do not have a name you have a sex and an age, and that is enough to prompt an interview to see if the found one is yours, so it is immensely useful.

Mr. SIMON. No one can say this is going to accomplish A, B, and C. There is at least a strong possibility that we can be of assistance, and I think it is worth a try, because you are not talking about any huge amounts of money. You are just talking about adding one or two people to use the available computer hardware that is there right now.

Mr. HYDE. Thank you.

Mr. EDWARDS. Thank you, Mr. Simon.

Mr. SIMON. Thank you.

Mr. EDWARDS. I understand that Hon. Clay Shaw, Jr., our colleague from Florida, will yield to the gentleman from New York, Hon. Peter Peyser. We thank Mr. Shaw and we welcome Mr. Peyser. Without objection, your statement will be made a part of the record. You may proceed.

TESTIMONY OF HON. PETER A. PEYSER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. PEYSER. I want to thank my colleague for yielding this brief time to me. I regret having to ask for that.

Mr. Chairman and members of the committee, I had the opportunity back in 1976 of coauthoring with our former colleague John Brademas what turned into the Child Abuse and Prevention and Treatment Act, and I have been involved in this area, frankly, ever since that time. This year in committee, in the Education Committee, the Child Abuse and Prevention and Treatment Act came up, and I amended it successfully in the committee to include this clearinghouse concept. Unfortunately, the bill when it reached the floor became part of the total reconciliation bill, and all amendments were out of it, and consequently we never got that part of it off the ground, so I am very pleased that Congressman Simon has moved ahead in offering this legislation which your committee is now considering, and I am sure everyone is aware, and I guess as many times as it is restated it will never express the feelings of the family, of the agony involved in this situation of a missing child.

Family Circle magazine and I believe it was Parents magazine last year made reference to my involvement in this child-abuse and missing-child area, and it produced, and I wish I could respond in a positive way to people, but I received hundreds of letters from families instantaneously telling me of their child and sending me pictures with which I really could do nothing. It was an absolutely helpless feeling. They had somehow read into the articles that appeared that I could do something concerning this really terrible problem.

I am convinced that if the clearinghouse concept is adopted that it will be inundated with information and facts concerning missing children from all over the country, and as quickly as it can be computerized and handled, I am convinced there will be some results coming out of this. Obviously you cannot raise the hopes of people or make them believe this is going to be the solution, but it certainly can be a step.

I would like to take one case that has been a case that in New York has been highly publicized and typifies the problem. I have a picture here that I circulated in the Congress—as a matter of fact, Members of the Congress 3 years ago were most helpful in that I distributed this to every Member of Congress just before the Christmas vacation back in 1976, and Members took this home and had it appear in local papers. I wish there were a happy conclusion.

This is the young boy, Etan Patz, who was 6 years old at the time he disappeared on his way to school. The first time he had ever been allowed to walk to school by himself in New York City, the very first time, one block from his home, he disappeared. Now, the city did everything in its power—they put out untold numbers of policemen, they covered every subway station, every bridge. They had volunteer people, there were literally thousands of people in that city involved in this particular case.

I talked with the police about this on numerous occasions at that time, with the family, and the police said unfortunately they were confident the boy had been immediately taken out of the area.

Now the agonies of this whole case are so graphic. It was rumored a year and a half later that somebody had seen a child pornographic film where they recognized this boy. So the police rounded up as many of these child films that they had been collecting, which are against the law anyway, to run through them just to see, and they could achieve nothing.

I only use this as a highlight of what is duplicated over and over again. I have had mothers come to my office in Yonkers, N.Y., once again because of my connection with this business and tell these agonizing stories. But some have told a positive story. There are private organizations doing what we are asking the Government to do, and they every once in a while come up with a success story, and this is of course terrific when it happens. And I have had a mother in my district who got back her 3-year-old daughter, who had been found through a private agency, an appearance of picture and circularization of contacting police in local areas in the New England area, and in Massachusetts this child was recovered.

There are other instances. Some of the magazines, national women's magazines particularly have taken on occasion to running groups of pictures of missing and disappeared children, and some of them have been able to be identified and turned up.

So, Mr. Chairman, I say that it would be my hope that your committee and the full committee and the Congress would act on this, would come out with a bill that answers the needs as I have already heard, and I think you are right on target on the things you are thinking of implementing in this bill and really move this through the Congress, because I think the time is long overdue, the suffering and agony is terrible, and maybe we can do something positive.

Thank you for these few minutes.

Mr. EDWARDS. Thank you for your helpful testimony. At this time the subcommittee will recess for 10 minutes because there is a vote in the House of Representatives.

[Recess.]

Mr. EDWARDS. The subcommittee will come to order.

Our next group of witnesses will constitute a panel, Hon. Clay Shaw, Jr., our distinguished colleague from Florida, John Walsh and Reve Walsh, representing the Adam Walsh Outreach Center for Missing Children, and Dr. Ronald Wright, district medical examiner, State of Florida. Dr. Wright is also an associate professor of pathology at the University of Miami.

Before the witnesses commence, without objection all of the statements will be made a part of the record, and I yield to the gentleman from Illinois.

Mr. HYDE. Thank you, Mr. Chairman. I want to particularly welcome Mr. and Mrs. Walsh, who have taken a tragedy of undescribable dimensions and decided not to surrender to self-pity, but, out of this horrible, indescribable circumstance try to help other people, which I think is something we can all admire and try to emulate if we have the courage.

Clay Shaw, the Congressman from Florida, who brought this matter to my attention, was relentless in his insistence that this bill be pushed and advanced, and it is through his efforts that these hearings are held. As the chairman and all of us well know, we are in the middle of many hearings involving complicated constitutional issues, but because the need for immediate action was stressed by Congressman Shaw so effectively to both you and me, we have arranged to hold these hearings, and the more we get into them the more important they become, and I thank Congressman Shaw for his initiative.

Mr. EDWARDS. I thank the gentleman from Illinois and join in his sentiments with regard to the poignant story behind the Adam Walsh Outreach Center, and the great contributions that Mr. and Mrs. Walsh have made and the contribution that our colleague from Florida has made.

The gentleman from Illinois is correct in pointing out that it is through your assistance and cooperation with the subcommittee that we are able to put aside other business and move ahead with this important bill. Again with pleasure we welcome you, Mr. Shaw. You may proceed.

TESTIMONY OF HON. CLAY SHAW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Shaw. Thank you, Mr. Chairman and Mr. Hyde. I would like to thank both of you for recognizing the urgency of this situation, the urgency of this legislation. I, of course, realize the tremendous amount of work, important work that is before this committee and the legislation that is before this committee in the months ahead. It is a real credit to both of you gentlemen to push this ahead the way that you have, and we are grateful to both of you for doing so.

Before coming to Congress I was mayor of the city of Fort Lauderdale. Before that I was a municipal judge. Fort Lauderdale is a point of destination for many runaway youngsters, teenagers, and preteenagers. These youngsters fall prey to pimps, drug dealers, and to almost every awful thing that you would hope that your young teenager or preteenager would not be exposed to. All the time these youngsters are crying out to be found, but there is no trail, this is one of the tragedies we must deal with on a national level.

The need for this legislation is vividly detailed in the story of unparalleled tragedy in Hollywood, Fla., with the disappearance of young Adam Walsh. Their story, which I will defer to them to unfold has brought about a national outpouring of attention. I have in my office received literally thousands of names on petitions and letters, perhaps more than on any other issue that I have seen. Much of this was caused by the good work of Phil Donahue on his nationally broadcast show, I must say in reviewing the letters that the vast majority of them are coming from my home district, the 12th Congressional District of Florida.

I think it is apparent, as I am sure you realize, that this could have happened to any of us. There is no parent that could have been spared this tragedy if it was destined to your future. I think we all related to this incident in Florida and I think every parent shed a tear with regard to this tragedy. Although I was not acquainted with the Walshes, I related to the tremendous tragedy that they felt.

The legislation that you are considering is, in my opinion, emergency in nature. We must reunite these families. We must tell the stories, whether they have a tragic or happy ending, to the parents who are looking for their kids, but most of all we must find the children that are lost and bring them back to their families. This covers the infant not old enough to tell officials who he is, all the way to the young teen who for some reason wants to be found, rather than find his parents. This is a tragedy that I think we have to face up to, and one which this legislation, though not perfect, will help us to effectively deal with.

[The prepared statement of Representative Shaw follows:]

PREPARED STATEMENT OF REPRESENTATIVE CLAY SHAW, JR.

Mr. Chairman, members of the subcommittee, I appear before you this morning to encourage your support for legislation I consider to be most important. The subject of this legislation is our most precious commodity in this country, our young people, our children. It is known as the Missing Children Act, and it would allow law enforcement officials all over the country to track missing children the way they can track missing automobiles.

In my congressional district in Florida, the support for the Missing Children Act is overwhelming. A day does not go by when I don't receive numerous letters in support of this legislation. All these letters have arrived in the past few weeks, while the phones in our offices have been ringing with callers who likewise support the bill. South Florida is aware of the need for a national system of communication to locate missing children. The citizens of south Florida have seen the faces of John and Reve Walsh on television and in their newspapers, and they have heard about the abduction and murder of six-year old Adam Walsh. That tragic case has impressed many minds with the need to quickly fill the gaps that are present in our system to locate missing children.

As a husband and father, I can only try to imagine the anguish and the awful frustration that John and Reve Walsh have experienced. Mr. and Mrs. Walsh are examples of courage. From the first day of their painful ordeal, the Walshes have been in the forefront of the fight for the passage of the Missing Children Act. They sincerely want to devote themselves to their task so that no other family will suffer the horror they have.

Even after the terrible news about their son reached them, John and Reve Walsh continued to educate others about the need for this legislation. They understand how helpless parents can feel when they have no leads in investigating the disappearance of a child. The longer the search goes on, the greater is the helplessness. Some parents search for years for missing children. The Walshes have turned their energy to the Adam Walsh Outreach Center, which has been established in Hollywood, Florida, to help the families of missing children.

I strongly support the Missing Children Act and I urge its quick passage by the House. I am convinced that time is of the essence in this case.

I want to thank the chairman of the subcommittee, Representative Edwards, and the ranking minority member, Representative Hyde, for acting with speed and interest in scheduling these hearings. I thank you, and I know the Walshes do as well, for your care and cooperation on the matter of this legislation. We appreciate your efforts on behalf of the Missing Children Act.

As elected representatives of the people, we are charged with the responsibility of working for the good of the country. We must do all in our power to protect our children and our families. The Missing Children Act is a long overdue, much needed protection.

Mr. **Edwards**. Mr. Walsh?

TESTIMONY OF JOHN WALSH AND REVE WALSH, ADAM WALSH OUTREACH CENTER FOR MISSING CHILDREN

Mr. **Walsh**. Mr. Edwards, I have prepared a long statement and I appreciate on behalf of all the parents of missing children out there, the opportunity to address this subcommittee. I am not going to read my long prepared statement in the interests of time, but I would like to give a brief synopsis of what happened to us and then address some of the questions by the members of this subcommittee, in particular Mr. Washington and Mrs. Schroeder, who are not present, but I know you represent them.

Our son was abducted July 27, 1981 from the Hollywood Mall from the toy department in Sears while his mother shopped three aisles away. He was a sheltered little boy, went to private school, brought there each day and picked up after school by his mother. I coached the T-ball team he played on. What happened to Adam, there is evidence that it could happen to anyone. We started a search for Adam with the tremendous cooperation of the State of south Florida, the people, the legislators, and particularly our police.

Two weeks later Adam's severed head was found in a canal in northern Florida. During this time we realized that virtually no one looks for missing children. Our local police had jurisdiction to look for Adam, and though he was found outside their area, no one looked for him. Reve and I decided that even though our hearts were broken, our minds were still working and that we would try to help other parents. We received 22,000 letters at our home, many of them from parents saying my children are missing, my child has been abducted, my child ran away, no one has helped me.

The FBI did not enter the case. I am not here to chastize the FBI. I went to Cornell to use their library and did research on the FBI. The FBI was mandated in 1934 by President Roosevelt to combat two things, organized crime and kidnapings, because of the Lindbergh kidnaping. The Federal kidnaping statute says that the FBI can enter the case of a kidnaping when there is proof of crossing the State lines or a ransom note or otherwise. In Adam's case, he was obviously kidnaped and murdered, but they would not enter the case.

Even though they entered the case of Fran Freluche, a foal to Secretariat, that they determined it worthwhile to enter that case because of the horse's value of $500,000. I would find it difficult to believe a child was worth less than $500,000.

We decided to interview police agencies throughout the country and David Hartman of "Good Morning, America" brought us to New York in our efforts to look for Adam. We were on the show the day the remains of Adam were found. As a result of that show five children were found alive. We then appeared on other talk shows, and as Mr. Shaw stated, the Phil Donahue show has created quite a reaction.

The big question here today is why did we receive so much attention. I think it was the efforts of the people of south Florida and our determination to have the country address this problem. Most of the people that this happens to fall through the cracks. The Mrs. Bells—I would like to address this to Mr. Washington. The black people of this country and the Mrs. Bells of Atlanta get no help. They do not get any of the access to the media and the personal businessmen's contributions that we got. It is difficult for the minorities to look for their children. They have a voice, but it is never heard.

We here today are representatives of a large group that is not a minority in this country, but has no voice. We have no money. Like most parents, we spent everything we had looking for our child, but the group we represent has no lobby in Washington, no money, no funds, and no voice. We would like to know where our children are, but I can imagine what went through the mind of Adam with his abductor, or the children of Atlanta. I can imagine what goes through the mind of a child taken five States away. They are not here to speak. We are speaking for them. Hopefully Reve and I may be parents again someday, but we are trying to speak for these people that are not represented, that do not have voting rights, that do not pay taxes. We are trying to explain to you what does happen.

The parents are devastated. Many of them succumb to alcoholism, lost time at work, losing their jobs. There are hundreds of thousands of parents in this country who have had missing children. I have a letter from parents that sent us a letter saying their children were murdered 18 years ago. Reve at the center in the last week has had 16 parents contact her with missing children.

The most horrible story, one parent's child was taken out of their homes, and they are not ex-spouses. This child was taken out of their home and they went to make a police report, they sent two black-and-white uniformed policemen, they took the report and they never heard from a detective or anyone.

This is a national problem. Several of the questions that were raised today about the NCIC, I have done a lot of research on the subject with local police agencies. I did not want to come here today uninformed and not having my facts straight. The NCIC can only be accessed if you have a name or a social security number or a license number. If you have a child 3 years old who does not know his name or a battered child or a runaway sexually abused by the parent who cannot give the name to the police officer, how does the officer access the NCIC? He does not.

As Dr. Wright will testify today, the second problem is unidentified bodies. Here the parents spent life savings, $40,000 on private detectives while their daughter's body was in a morgue in Texas for 87 days. Thanks to Ronald Wright's efforts the State of Florida has linked together a statewide system statewide for coroners to exchange information. Previous to Adam's disappearance the State exchanged information on unidentified bodies every 6 months by mail. We could not have waited 6 months. Where do you go to find an unidentified body if the person was not missing in the State of Florida? He does not know who to contact to find out about the body. The worst thing is the not knowing, the thousands of parents that do not know.

Believe me, Mr. Edwards, and Mr. Washington in his absence who asked this question, and Mrs. Schroeder, who asked this question, what will this do, don't we have a system now, don't we have a system that classifies this information? No, we do not. We are not that naive to believe that this bill will find a lot of missing children. We are not that ignorant of the system.

This is a tiny step. I make the analogy between this step—in a 20th century computerized age, this would be analogous to the Wright brothers' first flight. In my opinion, yes, I am a bereaved and grieving parent, but to me and the thousands of parents we represent, the priorities of this country are in some disorder. The cost of the manning of this computer might be the cost of one of the tiles on the space shuttle. If it saves one child, we know this is a tiny step. At least it would let the parent who the local police will not do anything for, access the FBI and give the information.

Yes, there have to be controls. No, there should not be an 800 number or a hotline that any parent can call the FBI, tying up phones. Yes, there should be a form, more information such as identifying birthmarks, et cetera, but it would be a step. If your local police, such as the Hollywood police, who informed me that they put out the information, and three States did not have the capability to access the system—we realize that if a concerned policeman wanted to contact somewhere to give more information about the disappearance of a child or had a child there, yes, this national clearinghouse would be available. Maybe no one will use it, but at least we would know that the Federal Government has addressed the problem and set up some clearinghouse, at least step 1, to help. If nothing else, it will help the parents who never know. I know many of the parents who have contacted us. I know that they will never know that those children are underground, but believe me, they are this close to insanity.

Now to bring up the fact of the constant investigation by the police—when we were looking for Adam, they bring you down and they give you a lie detector test and grill you for 6 hours and you are crying for your children. They look locally, the press hounds you, rumors start, you are suspect, but in your heart you wish that if your child was taken from that area someone may be able to access something and look for that child. I could go on and on.

Mr. Edwards. Mr. Walsh, we will have to recess for 10 minutes, because those lights indicate there is another vote on. I do not want to cut you off. Your testimony is very moving and persuasive. We will recess for 10 minutes, at which time you will be recognized again.

[Recess.]

Mr. Edwards. The subcommittee will come to order.

Mr. Walsh.

Mr. Walsh. Thank you very much. I do not have a lot more to say, and I hope I do not come across as a grieving, bereaved parent that does not have his facts in order. Some of what I said was that this is a small step for the children primarily. This is a beginning. I just had the chance to talk to a representative from the NCIC, and he said that they would be very open to suggestions of how to facilitate this. I know they are underbudgeted and understaffed. We are talking about priorities, a national resource, the children.

I have lined up some of the posters that have come in in the last month of little children, kidnaped and missing children. I think it is startling. The Uniform Crime Report that the FBI puts out every year does not differentiate between child molestations. Most of the rapes occur on young boys 1 to 10 years old. They do not keep figures on child murders. They are lumped in the category of violent crime. Maybe we can compile the statistics because of this national computer center. I do not want to take up the time—this is done by parents right here. This is not done by police agencies. I do not want to take away from the testimony of Dr. Wright, because he is an expert on this and can relate something to you.

Finally, I would like to say that I think as evidenced today by the efforts of Paula Hawkins and Clay Shaw and Mr. Simon, that maybe we can realine the priorities of this country. I know that this committee is burdened with many serious and pressing issues, but I cannot think personally of a more pressing issue than the not knowing where your child is, the horror of it, especially for the parents that will never know where their children are.

We could get off on 47 tangents here, what is wrong with the country. The jurisprudence system, two of the suspects in Adam's case have freely admitted that they can go to another State. The one man of course, had the history of 45 boys, diaries and the tapes of young boys screaming and pleading as he assaulted and tortured them. He had a miniwarehouse with clothing. I went there to identify clothes. He had six sets of little boys' clothes. I could not listen to the tapes. He freely admitted he was a twice-convicted molester on bail and that he could freely roam from State to State, there was no centralized information on him.

We are talking about this bill to try to make it a little bit easier for local police agencies, which I am sure will admit that they do not work together. I listened in on calls as the Hollywood police called other detectives in the country. The officers said, "I can't help you, I have 35 cases on my desk. I don't know anything about it." This would be a little peace of mind for parents that somewhere there is information on their child if their child's body is found or if the child hopefully is alive.

I thank this committee and the efforts of our Congressman and our Senator, and again Mr. Hyde, who gave us the time last time we were here and gave us the opportunity to tell him our story and the story of other parents. It is too late for Adam. It is too late for us, but it is not too late for a lot of other parents.

Thank you.

Mr. EDWARDS. Thank you, Mr. Walsh.

Does Mrs. Walsh desire to make a statement?

We welcome you, Mrs. Walsh.

Mrs. WALSH. Children are the resources of our country. We must protect them as we protect the land and oil resources. Our statement is joined together in one.

Mr. EDWARDS. Thank you very much.

[The statement of John and Reve Walsh follows:]

STATEMENT OF JOHN AND REVE WALSH

Mr. Chairman, we appreciate the opportunity to testify before this subcommittee as we have a story that we feel should be heard by all the people of the United States of America, and in particular, the very interested parties in your committee.

We reside in Hollywood, Florida at 2801 McKinley Street in our home and I am employed as the executive vice president of sales and marketing for the Paradise Grant Hotel, a new hotel being constructed on Paradise Island, Nassau, Bahamas. The anticipated opening of the hotel is February, 1982.

I am a graduate of the University of Buffalo and my wife was, up until our recent tragedy, a full-time student at Broward Community College.

On July 27, 1981, at approximately 12:30 p.m., our only beloved son, Adam John Walsh, was abducted from the Hollywood Mall in Hollywood, Florida. He and his mother had been shopping in the Hollywood Mall and he was in the toy department, with his mother approximately three aisles away. In a matter of ten minutes he vanished. What proceeded has been called the largest manhunt in South Florida history.

After paging Adam in Sears, the Hollywood police were notified and immediately proceeded to search for Adam. Throughout the entire ordeal, the Hollywood police have to be commended for their cooperation and their sincere and massive effort. All Hollywood uniformed police were put on foot, as well as every Hollywood detective from burglary, narcotics, homicide, etc. joined the search for Adam. Hundreds of volunteers belonging to the Citizen Crime Watch, as well as thousands of individuals joined the search. The Florida Fish and Game Commission, as well as the Florida Park Rangers searched the area within a 50 mile radius. Helicopters searched day and night; private planes joined the search during the daytime. Groups such as the Four-By-Fours (an off the road vehicle club with 50 members) searched every night in areas that were inaccessible to the police. Divers in boats joined the search in canals and quarries. An initial reward of Five Thousand ($5,000) Dollars was offered and that was rapidly raised to One Hundred Thousand ($100,000) Dollars by pledges from concerned business associates and strangers. The Vice President of Delta Air Lines called from Atlanta and offered to send three hundred people down to join in the search. Both Eastern Air Lines and Delta Air Lines helped by delivering posters of Adam's disappearance to airports in cities all over the United States. At the final count, over one million posters were printed and delivered throughout the United States. A private postal delivery service hand-delivered 30,000 posters each day to different areas throughout Dade and

Broward counties. After approximately three days, the organized search was abandoned and it was determined that Adam was apparently kidnapped.

The Federal Bureau of Investigation was contacted, but they did not enter the case; stating that there was a necessity of evidence of Adam crossing the state line with his abductors or demand for ransom.

A massive media campaign was mounted to inform the public in the Florida area about the disappearance of Adam. The three major television stations in the South Florida (Channel 4, Channel 7 and Channel 10), ABC, NBC and CBS, carried news of Adam's disappearance or of personal appearances by us on every newscast at 12 noon, 6 and 11 p.m. On August 1st, we attempted to alert the entire state with the full cooperation of Orlando mayor, Willard "Bill" D. Frederick, Jr. We flew by private plane to Orlando and held a press conference of all the major television stations, radio and newspaper people. Then, in spite of the air traffic controller's strike we flew on to Tampa and were waived by the supervisors on duty at the airport right to a main terminal and held a press conference in the Eastern Airlines Ionisphere Lounge with newspaper, radio and live television broadcasts with stations that had come to Tampa from all over the Tampa/St. Petersburg area and as far west as the panhandle of Florida. The major attractions in the Orlando area participated fully. Disneyworld briefed their 300 security guards and 20 detectives, as well as Busch Gardens, Circus World, etc., cooperated in the search for Adam. A representative of the family flew to Atlanta and appeared on Ted Turner's Cable News Network, which broadcasted news of Adam's disappearance, as well as his picture on the hour. We personally appeared on the Selkirk Cable Network, which broadcasts throughout South Florida and parts of Canada. Television, radio and press coverage continued throughout the State as we traveled to other cities within Florida.

During this time the FBI was constantly updated but never officially entered the case. A personal family friend received a call from Attorney General William French Smith's office and was assured that the administration would see that everything was done in their power but again, the FBI never officially became involved.

Because of the difficulty and oftentimes, apparent lack of cooperation between different police agencies, members of my office staff spent three days and nights in my office contacting (by phone) every police and sheriff's department throughout the State of Florida and personally mailing five flyers to each office. Hollywood police continued their round-the-clock efforts as their fine detective bureau followed every possible lead. Over 60 psychics, from around the country, many recommended by certain police agencies, as well as psychics who had received notoriety working on the Atlanta child murderers and in Los Angeles on the Freeway killer murders, joined the case. Many surrounding police agencies and other agencies throughout Florida cooperated and some others politely ignored the problem.

Eye witnesses finally came forth after approximately four days of constant coverage in the media. One boy who apparently thought he had seen Adam leaving the store followed by a burly man in his late 20's or early 30's, white male, dark hair, came forth with his grandmother and offered testimony. They said that the man had run from the Hollywood store and jumped into a blue van which screeched up and almost hit them and went around the corner where he thought Adam may have wandered. The Hollywood police suggested hypnosis as the boy's story was very vague and he could not pinpoint the exact time that Adam was in the store. His mother refused to have the boy hypnotized until two weeks after Adam's remains were found. Other conflicting stories came forward. The female security guard in the store felt that she might have possibly asked two sets of arguing boys (2 black and 2 white) to leave the store and that possibly Adam, who was watching these boys argue over an Atari video game, may have followed her instructions and left the store reluctantly.

After close investigation, the detectives determined that this was most likely the case, as Adam was a superior student in private school, a member of his T-ball team, all-star in his first year at 6½ years old and, according to his three teachers and classmates, a very disciplined little boy with great respect for authority figures. It is very likely that he might have followed the orders of the security guard and thought he was part of the group ordered to leave the store, as the concensus of opinion is that he would have never left the store on his own. He has traveled, extensively, with my wife and I and has never been lost or wandered away from us on any occasion. He attended private school and was brought to school each morning and picked up at 3:00 p.m. He lived across from a park and he was not allowed to go to the park by himself nor to ride his bicycle in the street. He has never had a strange baby sitter and was always looked after by my mother, who lives with us, and by my younger brother (23 years old). After many false sightings, many leads, the Hollywood police are still baffled by the developments in the case and the lack of clues.

On August 10th, despite continuing Air Traffic Controller's strike, we flew to New York to await an 8 a.m. appearance (on the following day) on the "Good Morning America" show. At 6:30 that morning, I was notified (in our hotel room as my wife slept) that a young boy's head had been found in a canal, in Vero Beach, and that the remains might possibly be that of Adam but there was need to obtain his dental records and deliver them to Vero Beach. Without informing my wife, we went to the "Good Morning America" show to appear. Host David Hartman asked me if we wanted to go on and continue with the show and I informed him that even if the remains were Adam I felt that we would tell our story for all the other missing children that we had become aware of. While in New York, we met Mrs. Julie Patz, the mother of Eaton Patz and other members of the Child Find organization that had been in constant phone contact with other missing children's organizations throughout the country.

The problem with Adam's disappearance and abduction was ever on our minds but it became more apparent to us of a greater overall problem.

We appeared on the "Good Morning America" show at 8:00 a.m. to plead for Adam's safe return and for all to recognize the problem of missing children, and upon our return to the hotel at 11:00 a.m. we were informed that the remains that were found in the Vero Beach canal were definitely that of our beloved son, Adam. The un-ending nightmare had now become a reality as we flew back to Florida.

On August 15th, a special "Mass of the Angels" was held for Adam at St. Maurice's Catholic Church and over one thousand people from the surrounding area attended the mass. My cousin, Father Michael Convoy, (a pastor in upstate New York) read the eulogy, as a children's choir sang in celebration of Adam's short and wonderful life. After conducting one final press conference and thanking the hundreds of thousands of people that had donated their time to look for Adam, the cooperation of the Hollywood police and the media and all the concerned citizens throughout the rest of the United States, we traveled to a friend's home in upstate New York to attempt to deal with our grief on a personal basis.

Realizing that there is nowhere you can go or nothing you can do to soothe the wounds, we returned to Hollywood, Florida to find that while we were gone, we had received over 20,000 sympathy letters, donations, mass cards, trees donated in Israel, and various other expressions of condolences, as well as thousands of calls.

We have determined that although we would never be able to find any answers to Adam's death, that in our minds, he would not die in vain. We thought that the best way to deal with our grief was to do something for the rest of the missing children in the United States. With the donations that we received, we set up The Adam Walsh Outreach Center for Missing Children and proceeded to tell the story of missing children to a nation that obviously unaware that this problem exists. We also realize that very few families in the United States could get the help financially, as well as emotionally, that we did. We came to the realization that many of my business and close friends pooled all their efforts in the belief that collectively we could get Adam back. Since then we have heard from hundreds of people with missing children as well as people with murdered children and realize that the vast majority of these people did not recieve support, financially or emotionally or the exposure that we did. After meeting with some of the mothers of missing children and with the horror of Adam's death in the back of our minds, we can never forget the looks on their faces as still search for their children, determined that no matter what the cost, emotionally or financially, that they will find them. In most cases, this is a hopeless and lost cause.

It is certainly evident the priorities of this great country are in some disorder. A country that can launch a space shuttle that can return to the earth and take off again, a country that can allocate millions of dollars to save a small fish, the snail darter in the Tennessee Valley river, threatened with extinction, but does not have a centralized reporting system or a nationwide search system for missing children, certainly need to reaffirm the very principles that this country was founded on, namely, personal freedoms.

In order not to appear to the general public as some grief-stricken, deranged people, we were determined to get what facts were available in the best possible order hoping to present them to someone such as this subcommittee. Although our hearts are broken, we are bound and determined that our story would be heard on behalf of the other little children that are out there at this very moment, afraid, confused, terrified and wondering when mommy and daddy or whoever is going to help them. After contacting and speaking with many of the twenty or so individual missing children agencies throughout the country, it appears that statistics indicate that there are over one hundred and fifty thousand (150,000) individual children missing each year. Approximately one hundred thousand (100,000) of these are runaways and children snatched by ex-parents. The unbelievable and unaccounted for figure of fifty thousand (50,000) children disappear annually and are abducted for reasons of foul play. One only has to look at some of the past incidences, such as the twenty-two victims in Houston, the forty-four victims of the Freeway killer and Hillside strangler in Los Angeles, thrity-three victims buried in the home of John Wayne Gacy as well as the much publicized Atlanta slayings, just to name a few.

While in seclusion in Ithaca, New York, Cornell University made available to us their microfilm laboratory and we researched this problem by means of newspaper, magazine and statistical reports. Most surprising is that the uniform crime report produced annually by the FBI has no official statistics on kidnapping, child abuse, homosexual rape or missing children. And after researching the Federal Kidnapping Statute it appears that the FBI has arbitrarily decided to interpret the Statute in their own way. A quote from the Statute: an FBI investigation is authorized when "there is information or an allegation that a person has been unlawfully abducted and held for ransom or otherwise". We also found proof in the past magazine articles (this can be substantiated by the Dee Scofield group also) that the FBI entered into the case of Fran Freluche, a $500,000 horse that disappeared from the Clayborne Farm in Paris, Kentucky. According to the FBI spokesman, Bill Cheek in Louisville, "we are investigating and assuming we have jurisdiction because of the value of the horse, if we never prove their was interstate travel, the, of course it's a local matter." It seems extremely ludicrous that the FBI would enter the case of a $500,000 horse where no ransom note was ever received or proof of it crossing the state line.

According to the New York Times, Sunday, July 30, 1933—Headlines—"J. Edgar Hoover heads new crime bureau, a division created by President Roosevelt will war on kidnappers." Again, the New York Times, November 4, 1934—"The Lindbergh Law and the activity of federal agents threaten to kill kidnapping." Front page, Saturday, July 30, 1933, New York Times, "Federal warfare against kidnapping widens its range—Roosevelt plans new legislation, National policy is talked as public opinion backing the crusade gains strength."

It is obvious from our research that one of the main objectives of the formation of the FBI was certainly to fight crime on a federal level, but according to all articles and research it was primarily created to assist in the war on kidnapping. It appears that during the time since 1933 when the FBI and J. Edgar Hoover declared war on kidnapping because of the notoriety of the Lindbergh case, that public opinion has not been strong enough to force the FBI back into what was originally intended and formed to do. Granted, some police agencies are excellent and well equipped to look for missing and abducted children in their areas. Once a child is taken from the jurisdiction of the local police force, virtually no one looks for him. If he is abducted in a rural community (that is served by sheriffs) possibly one sheriff may take the report; then the parents go back home and wait and wait and wait. The scenario is repeated continually, daily throughout the United States. This is not a local problem; this is not a regional problem; this is a national problem. Recently headlines and news stories have been full of the effect of government budget cuts. There are federal statistics that tell us exactly how many families these budget cuts will effect. There is no federal or state agency today that can tell us exactly how many families are affected by missing children. Frankly, knowing the grief my wife and I feel, I am a bit afraid of the collective grief the provisions of The Missing Childrens Act will outline. Certainly, the facts which accumulate will appall some, embarrass others and sadden us all. I guarantee that when this bill is passed, and the facts concerning missing children are finally accumulated, that all Americans will be shocked. As always happens, we will search for a source of blame—but that blame increases each day that this bill is not passed.

After personally interviewing Dr. Ronald Wright (a member of the American Academy of Forensic sciences) and the chief medical examiner of Broward county, we were appalled to learn the lack of a centralized system for identifying bodies. Dr. Wright has succeeded in linking up Florida's 22 medical examiner's offices with a computer in Colorado that was initially started to help identify thousands of victims of a past flood. Wright has been actively lobbying in hopes that this problem of unidentified bodies can be solved by linking up the 1,500 medical examiner's offices, throughout the United States.

Right now in the Broward County Morgue, in just one area in the United States, there are seven bodies that Dr. Wright and his staff say "they are further stymied in efforts to identify bodies due to the time it takes to have fingerprints matched with those held by the Federal Bureau of Investigation." The FBI lab is terribly understaffed and their overwhelming requests for prints take about three months to have a request filled. It's been so bad that the FBI no longer does fingerprinting for people who apply for business reasons. Therefore, in many cases if the unidentified person is not a criminal whose fingerprints are logged with the FBI, the chances of identifying the person is slim. According to a female member of Wright's staff, "you've got to realize there are people out there who want to know what happened to their loved ones. That's why we work so hard to come through. These aren't just bodies, they're people." It is evident that people are held in morgues throughout the United States, buried at a cost to their local counties in John Doe or unmarked graves and no one ever knows that it's their dear relative that they have been looking for. It is almost inconceivable, in this great country with its resources, that this problem exists and continues to exist. After a long continuing discussion with Wright, he has determined that there would be approximately 10,000 unidentified bodies a year throughout the country. The cost of setting up a computer to keep this information so there could be a ready exchange by all authorities through the United States is so small that it is actually ridiculous.

After interviewing local police agencies in Florida, New York State and Michigan, the overall lack of communication between local and state authorities is incredulous. In the experience of the Hollywood police, when attempting to supply information about Adam's disappearance nationwide they found that the systems of two entire states were so antiquated that they would not even take any information about Adam. The "infamous NCIC, National Crime Information Computer, is so overburdened with general statistics that it is ineffective. Crimes as diverse as burglary, car theft, runaway husbands, and murder, as well as, information on missing persons are fed into this computer that it is impossible for a local agency to cross-reference information from other agencies. The NCIC cannot be accessed without a name or license number or social security number. What help is this in identifying a dead child's body or a living child that is too young to know its name?

In light of President Reagan's call for budget cuts in every area, the problem of a budget supporting a centralized reporting system for missing children and the centralized system for storing information on dead bodies must be addressed. We have to approach this from a business standpoint. In Mr. Reagan's recent speech in New Orleans on the epidemic of crime in the United States, he said, "we will seek closer cooperation between Federal, State and Local officials on law enforcement and prison problems. . . ."

What we are proposing in the way of a centralized computer system for missing children and also a computer for the identification of bodies in The Missing Childrens Act is just what Mr. Reagan is talking about. But, since he is such an economy minded president, let's address the facts from a budgetary viewpoint. If there are 50,000 children a year that are missing in the United States, as a conservative figure, and they meet the requirements of The Missing Childrens Act, then this number could be easily stored in a computer that could be linked up with police agencies throughout the United States. The 10,000 or so missing bodies and information concerning them, would put no burden on this particular computer whatsoever.

Let's address the real problem.

According to Bereaved Parents, an organization of charters throughout the United States of parents with deceased or murdered children, 90 percent of the marriages fail as a result of the trauma of a death of a child. Many of the people in this bracket, as well as, members of the 100,000 children snatched by ex-parents and runaways, are also devastated financially. From our own personal experience, this devastated us financially. It cost every bit of savings we had as well as, whatever money we could borrow, to search for Adam. The amount of time lost at work, the need for emotional counseling, the lost tax dollars, and the emotional wrecks of surviving parents that are cast on the welfare system of our society is enormous. If you could calculate these uncalculable figures they would far outweigh the cost of a centralized reporting system for missing bodies and missing children.

Looking at it from a businessman's standpoint, the bottom line here is that nothing is being done in the way of storage and classification of information on missing children or unidentified bodies, but yet the reality of the devastated emotional and financial survivors is a burden on the economy of this country.

Included in this statement you will see a letter from Child Find, a non-profit organization in New York. As a result of our one appearance on national television with David Hartman, three children have been located. If this could be done by one seven minute interview on network television, it is incalculable to think what the vast progress of the federal government could do to assist in this problem.

The reaction of the majority of the 20,000 letters we received were of deep sympathy, shock and in many, many cases, frustration. Why frustration?

We have been classified in the papers and by many people and interviews with friends as an "All American Family." I don't know what that means, but I do know that prior to this incident with Adam we were great believers in the United States of America. I have traveled throughout the world and seen the misery that people who live in other countries exist and under the oppression that many of them labor. My beliefs in this system have been shaken to the core. No matter how hard we try we can't stop thinking about how Adam just have felt in the hands of his abductor and the thoughts that went through his mind. Everyone, including us, would like to block out these thoughts of this beautiful six year old boy and remember him as the child he was. But, the reality of Adam's death is something that we have to deal with. All we have is part of him to cremate and we will spread those remains over the ocean that he loved so dearly. But what of the other parents? Many of whom are still searching and will never give up hope, and must deal with the constant horror of what has happened to their small children.

Since our return, we have appeared on many talk shows, one in the midwest, several in South Florida and we are scheduled to appear on future talk shows and a reappearance on "Good Morning America." We feel we have a definite story to tell, but the general reaction of the public, when we speak to them, whether through the media or through our small Adam Walsh Outreach Center for Missing Children, is one of complete amazement that no system exists within this country to look for missing children. Everyone seems to take the attitude, "I thought that the government could do that." Apparently people believe what they see on television, that when a small child is missing, the FBI comes in immediately with an individual similar to Robert Stack in the role of Elliot Ness and that SWAT teams swoop down on the villians and the child is found. The grim reality is that of what happened to Adam. In most cases the individuals get no support or help whatsoever and return to their homes emotionally and financially devastated. In most cases, the child is either never found alive or dead. We could go on and on quoting instances, statistics, personal experiences, and I would bring everyone of these to Congress if that needs to be the case.

Believe me, little children do not run away, as many police agencies think. Again we say, right now at this very moment there are little children out there in the hands of whatever, crying, pleading and are begging that mommy and daddy or Mr. Policeman or someone come to their aid or look for them to save them. We are realists and we are not asking for a national police force to search for every missing child, just asking for a centralized system and that the FBI assist whenever possible when a sighting of a child is out of state and the local police can't follow up that lead. It's not too much to ask of this "great society."

It is an awesome responsibility that this committee has in telling this tale to the rest of the legislative members of the House of Representatives. As we have said, our beliefs in the system have been shaken to the core. We ask along with hundreds of thousands of people who prayed for Adam and are now praying for us, that you the lawmakers of this country, who have the power to do something that our forefathers dreamt, will make this a reality. That is to guarantee the personal freedoms of everyone in this country including the children.

As one letter expressed, "Multi-million dollar investigations have been conducted against violators of man-made-laws, while those who transgress against the only real laws of mankind—God's commandments—are looked upon as statistics, if that. If our government had its priorities in order, the focus of our criminal justice system could be aimed at those who rob, rape, maim, and kill at random. The danger is not organized crime, it is disorganized crime, which fill our streets with violence and our hearts with fear.

Granted children don't vote and don't pay taxes, but they are definitely the resources of this country because someday they will be the future lawmakers and the guardians of us in our old age. It is too late for Adam and it is sad because we feel he would have been a fine citizen, but it is not too late for us to tell Adam's story to everyone and we will.

For us personally the nightmare continues. Two possible, but not probable, suspects in Adam's case are now in custody. The first suspect recently raped and bludgeoned a six year old boy and left him unconscious near railroad tracks in a remote area of Florida. The boy subsequently died in the hospital, never regaining consciousness. In the effects of the suspect was found a diary logging and evaluating in his own perverse terms the homosexual rape, assault and possible murder of 25 victims, young boys ranging in age of ten years and younger. The acts of violence were carried out throughout two states in the last two years. A second suspect, in custody in an Eastern State, a twice convicted child molester on parole, had newspaper articles concerning Adam's tragedy pasted throughout his room. There were approximately 45 incidents having occurred throughout four states during a three year period, as described by the suspect. These are statistics kept by no agencies, known only to the parents of the missing children and to God who only knows where these children are now. Subsequently, a mini warehouse, the gruesome evidence of his 20 year career were discovered. Among the effects found were six sets of small boys clothing, pornographic literature dealing with Sadism, detailed diaries, correspondence with another child molester, the grisly tools of his trade, whips, chains, paddles, and sticks as well as cassette tapes. As I listened to the tapes I saw tears in the eyes of six street-wise, supposedly hardened homocide detectives, continuing to listen to the screams, cries and pleadings of those young voices, not to hear sighs of my own son's voice, I became physically ill. I will never be able to forget those cries, nor thoughts of the parents who are still wondering.

Unless the public becomes more aware, and the legislative bodies of this country address this tragic problem, everyone should be forced to hear those tapes.

We put more faith in the good side of humanity, as demonstrated by the thousands of people who helped in Adam's case. And we put our faith in you and the Supreme Being, that He will assist you in seeing your way clear to do everything in your power to help the helpless ones. The ones who hold a very special place in His eyes, the Children.

CHILD FIND, INC.,
New Paltz, N.Y., September 4, 1981.

JOHN WALSH,
Director of Marketing,
Paradise Grand Hotel,
Bal Harbor, Fla.

DEAR MR. WALSH: I want you to know something of the scope of influence your appearance on Good Morning America has had on hundreds of lives, especially directly upon three children to date: missing since 1976, an 11-year-old Norwegian girl (Sarah); missing since 1979 a 7-year-old boy; disappeared in March 1981, a ten-year-old boy (Taj). . . . All of these have been positively identified because their photos were broadcast nationwide. All three are in the process of being followed up.

In response to our plea to George Merlis, Executive Producer of GMA (copy enclosed), he mildly objected to setting a precedent for other "special interests." However, he did express positivism about a follow-up when one of the identified children (referred to above) is reunited.

Enclosed is a letter to the attention of you and Mrs. Walsh which was inadvertently opened with all of our other mail. We received so much response to your courage. Hundreds of people told us that they were jolted into awareness for their children's safety because of your experience, which you so selflessly shared. So many concerned parents (presidents of PTA's and other groups) requested a list of precautions, that we were compelled to revise our parent brochure and include a very general list to jog awareness primarily. (Please feel free to contribute suggestions regarding our list, if you should wish to.)

Some individuals sent us money in appreciation for the work we are doing. This we've set aside in a special fund in Memory of Adam to be used solely to reach out to youngsters directly.

It's so difficult to write to you because I want to express to you what I find I cannot verbalize. In your loss you chose to give so much to others—hope and awareness to prevent—that the great urge is to be able to give you something in return. That's where the frustration sets in. I would welcome speaking with you if you should wish it. You are most welcomed to use our above 800 number.

Sincerely,

GLORIA J. YERKOVICH,
Executive Director.

Mr. EDWARDS. We will now hear from Dr. Ronald Wright, the district medical examiner for the State of Florida.

TESTIMONY OF RONALD WRIGHT, DISTRICT MEDICAL EXAMINER, STATE OF FLORIDA, ASSOCIATE PROFESSOR OF PATHOLOGY, UNIVERSITY OF MIAMI

Dr. WRIGHT. Thank you, Mr. Chairman.

Mr. Chairman, members of the subcommittee:

I would like to address primarily one part of this bill which I see as being in two parts. One concerns a clearinghouse of information for missing children per se. The other concerns a national clearinghouse of information to assist in the identification of deceased persons, irrespective of their age.

As to the first part of the missing children, I think what has been said very eloquently this morning is that this is needed. The only response which I could add to that is in the defense of local law enforcement, of which I am a member, saying many things have been talked about about records being taken by local law enforcement officers and then filed away. Well, what else are they to do?

Basically speaking we have a system right now of law enforcement which does not facilitate the solution to the problem of missing children. In Broward County alone with a population of 1.1 million people there are 26 police agencies. Each of them attempts to maintain a missing persons recordkeeping system. It is rather ludicrous I think that we do not and have not developed at the Federal level where it needs to be done some kind of system to do this kind of recordkeeping.

What has been said about local law enforcement not doing an adequate job I think is mostly related to their not having the tools, and they do not have the tools because the Federal Government is negligent in providing them because they need to be done at the Federal level.

With regard to unidentified individuals, right now in my morgue I have 10 people who I do not know who they are. They died of various things. The majority were murder victims. Most of these people are young. All of them have somebody somewhere who is looking for them. I cannot find them, and they cannot find me. In Florida alone there are 23 medical examiner agencies, and if you were looking for a family member of yours, you would have to call 23 medical examiners' offices just to cover the State of Florida.

Now, we have developed through the use of a computerized system in Colorado a method in which five States are getting together to try to put this information together. However, this should be done at the Federal level. We get woefully bad support from the Federal level.

The FBI when established seemed to be three major areas which it was charged with responsibility for: First: to improve forensic sciences in the laboratory dvision; second: to improve identification through the identification section; and third: to do the Federal police work. Over the years that I have for the last decade been involved as a local medical examiner, I have seen the Federal police aspect of the FBI hypertrophy and I have seen the identification section of the FBI be cut to the bone and now to the marrow. Right now the only chance I have from the Federal level of helping, of identifying the unidentified people is if they have a criminal record. If they are a criminal we may be able to identify them, but it will take at least 6 weeks for the Federal Bureau of Investigation to get back to me with an answer. The Federal Bureau of Investigation identification section has been cut back to the extent that they are no longer processing civilian fingerprints. That I consider to be a crime.

This bill I look upon as saying something here that Congress is saying. They are saying that these kinds of things are what the Federal Government is about and we are going to do it, and I wish you very much success.

Thank you very much.

[The prepared statement of Ronald Wright follows:]

University of Miami,
Fort Lauderdale, Fla.

My name is Ronald Keith Wright. I am a physician specializing in forensic pathology. I am board certified in anatomic, clinical and forensic pathology. I am the district medical examiner of district 17, State of Florida which is Broward County, a county of 1.1 million people.

This year so far we have two children who have been found in my district who we have not been able to identify. Both were skeletons when found.

With no national data bank for parents to go to, the parents of those two children do not know I have them, nor do I have a way of reaching them.

Considering how little it will cost to set up such a data bank, that is a shame.

Mr. Edwards. Thank you very much, Dr. Wright.

Mr. Hyde.

Mr. Hyde. Doctor, if this is going to work and we are going to try to make it work, what individuals should be mandated to submit their information? Now, you as a medical examiner, or a coroner in other jurisdictions, certainly you should be required by State legislation to submit this information on unidentified dead bodies to a national information center. Are there any other people who ought to be so mandated?

Dr. Wright. Yes. We have such a mandate right now in Florida by regulation for all of the medical examiners. We do it with the Colorado system. If this gets established, we can do that with the Federal system. I think it is very important that all of the coroners and medical examiners throughout the United States under their various local legislation be mandated to this. I think it would take very little to do that, incidentally.

Mr. Hyde. You say by regulation rather than law?

Dr. Wright. Yes. I think the existing statutes in most of the States would allow this to be established by regulation instead of statute. I think—at least most of the States which follow the Florida model have existing statutory reporting requirements already in existence, which this by regulation could be included under the existing State laws.

Mr. Hyde. Who issues the regulation?

Dr. Wright. Generally it depends on how the State operates. If it is a medical examiner system such as in Maryland, such as in Delaware, the medical examiner—the chief medical examiner of the State would handle this under existing statute. In States such as Florida, which have a commission which does this, the commission could do the regulation. In some of the Midwestern States it might require another statute.

Mr. Hyde. It seems to me that if this was mandated by statute it would have much more significance, rather than becoming buried among the regulations, which sometimes proliferate and are obscure—not that statutes are not, but there seems to be more muscle behind a statute with a mandate than a regulation.

Dr. Wright. If you at the Federal level would provide us with the tools to work I do not think you are going to have any problem.

Mandated by statute or mandated by regulation or unmandated, you will have our wholehearted cooperation.

Mr. **Hyde**. I have maintained for some time that society often thinks more of animals than it does of people. That may be an unkind statement, but this clipping from the Tampa Tribune of July 28, 1977, where a horse, Fran Freluche, I guess, was valued at a high price, a racehorse in foal to Secretariat, disappeared and the FBI said, "We are investigating and assuming we have jurisdiction because of the value of the horse. If we never prove there was interstate travel, then of course it is a local matter." But the value of the horse interested that particular office of the FBI, and I do not denigrate that. It was a very valuable piece of horseflesh, but I do not think I need to carry the discussion any further. The human beings who are missing ought to be equally a concern of our best law enforcement and most resourceful law enforcement agencies, so we hope this legislation will move in that direction.

Thank you.

Mr. **Edwards**. The gentleman from Wisconsin, Mr. Sensenbrenner.

Mr. **Sensenbrenner**. Thank you very much.

I would like to express my appreciation to Mr. Shaw and Senator Hawkins for bringing this matter to this subcommittee.

I am concerned that however well-intentioned this piece of legislation may be it really would not answer the problem in two respects. First of all, it does not require local law enforcement agencies that get reports of missing individuals, both children and adults, to utilize the facilities of the Attorney General and the NCIC, and second, I am wondering whether, if the name of the missing individual was placed in the setup envisioned by this legislation, how effective would it be in actually locating missing individuals and returning them home.

Now, my question is this. Would you favor an amendment, any of you, to this legislation which would require that every local law enforcement jurisdiction within a specified period of time mandatorily report the names of missing children and adults to a centralized file?

The second question, again using the very tragic case of Adam, whose name was put into the NCIC, even if the names were in there, how do you think it would help?

Mr. **Walsh**. Answering the second part of your question, it does not help now, as I brought out in the text. If the child is found, to give you a concrete case, if the child does not know its name and is found somewhere, alive or dead, there is no way the NCIC can be accessed, even if the local law enforcement officer is concerned and wants to access the NCIC, unless he has a name, a social security number or license number, he cannot access the NCIC. So if you have a 3- or 4-year-old child and he is there, the person who kidnapped him lets him go, it may be months before the police officer can identify him, because who does he contact to let the people know he has the child. In the case of unidentified bodies, there is no one to contact. There is no system.

Addressing should there be an amendment to this bill making it mandatory for local police agencies to send information on missing persons. God, that would be the optimum, yes. We wanted to take a baby step with this bill. We are not that naive and we are not that easily dissuaded that this will find children. This will not find children. None of us parents believe that this will automatically be the end-all and be-all to finding children. It will allow a parent who does not get cooperation from local police through the right channels to put information into the NCIC, but not to take it back out, because the privacy law is there, it would put information in a computer system just for missing children, break it away from cars and refrigerators, et cetera. If police agencies wanted and were concerned enough, they could cross-reference it.

If a police officer in Florida in the case of Adam accessed this computer and said what has been put into it in the last 2 months about 6½-year-old blond boys with two front teeth missing, they would have been able to get that information and it might assist in the finding of Adam. It would force police agencies to give information on missing children.

This is a child bill, primarily. If this committee could write that legislation and put that amendment onto this bill and you think it would pass, that would be fantastic. Because many of the local police agencies do not have a clue who to go to other than their jurisdiction. In Broward County we found out two of the police agencies had misinformation about Adam and thought he was kidnapped by a grandparent.

Mr. **Shaw**. Dr. Wright has reservations on a plane at noon. If there are other questions to be directed to him——

Mr. **Sensenbrenner**. In a table attached to Senator Hawkins' testimony about the use of NCIC during August 1981, there is a rather wide difference in the use of the NCIC by States. I am proud to say in terms of per capita use of NCIC, my State ranks first. In the instructional programs given to local police departments, perhaps by State law enforcement agencies or the State attorney general's office, in some States there has been quite a bit of information that has been disseminated, and in other States there has been little or none, Perhaps this would be another way to attack this problem.

I thank the Chair and yield back my time.

Mr. **Edwards**. Would you envisage a system whereby the medical examiners of the 50 States would either be encouraged or required to report to the NCIC the fact that in the morgue there is a child's body, and with a brief description thereof?

Dr. **Wright**. Yes, sir. I think that that is very important. Getting down to the nitty-gritty of this sort of thing, identification has to be based in many kinds of cases on such information as dental identification. In the case of children, we almost never can use fingerprints. It is based upon comparison with preexisting X-rays. This kind of information, if we can get it eventually into a data bank when we start looking for a missing child, just to get across the idea that this form which the local law enforcement people are going to have is going to have a question which says are there dental records, are there X-rays available? If for some weird reason, are there any fingerprints available? If we can get those questions being asked of the parents when the child is missing, we will also be putting that back into the file when we identify a person as deceased and unidentified. If we can get that information isolated, I think it gives us a very good chance of solving much of our unidentified, both children and adults.

Mr. **Hyde**. Thank you, Doctor.

Thank you, Mr. Shaw. To the Walshes, I want to say that it is a rare experience to be in the presence of people who are truly heroic, and I say that because if what happened to you had happened to me, I probably would spend the rest of my life wallowing in self-pity and say God, why me? You have decided to turn your tragedy into an act of love for other people who need help, and so instead of wallowing in self-pity you have said that you are going to use our experience to help other people and maybe they will not have to go through what you have gone through. This is an act of love and an act of heroism that I suggest may be making God a little less bored with this world.

Thank you.

Mr. **Edwards**. I thank the gentleman from Illinois for his remarks and associate myself with him. We thank all the witnesses for being here today.

There is another vote, and we are going to have to adjourn.

Mr. **Shaw**. I wish to associate myself with these remarks as they apply to Mr. and Mrs. Walsh. They have taken an absolutely senseless act that could have made them recluses and found meaning in it. If this legislation passes it would give meaning to this pure tragedy.

Mr. **Walsh**. We thank you on behalf of all the missing children and the parents that are still searching. Thank you.

Mr. **Edwards**. The committee is adjourned.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned.]

THE MISSING CHILDREN'S ACT

MONDAY, NOVEMBER 30, 1981

House of Representatives,
Subcommittee on Civil and Constitutional Rights,
Committee on Judiciary,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 2141, Rayburn House Office Building, Hon. Don Edwards (chairman of the subcommittee), presiding.

Present: Representatives Edwards and Hyde.

Staff present: Catherine A. Leroy, counsel; Michael D. Tucevich, counsel, and Thomas M. Boyd, associate counsel.

Mr. Edwards. The subcommittee will come to order.

Today we begin our second hearing on H.R. 3781, the Missing Children's Act.

Evidence which we received in our initial hearing suggested that each year approximately 150,000 of our children are reported missing. The majority of these cases apparently go unpublicized and frantic parents receive little, if any, assistance in locating their children.

This bill attempts to create a national clearinghouse of information with respect to both missing children and unidentified deceased individuals.

We have invited representatives of the FBI this morning to share with us their comments as to the extent of the problem, and their views as to how effective this bill might be in alleviating that problem.

I would yield to the gentleman from Illinois who has been one of the chief sponsors of this important legislation.

Mr. Hyde. Thank you, Mr. Chairman.

I ask unanimous consent that the committee permit the meeting this morning to be covered in whole or part by television broadcast, radio broadcast, and/or still photography pursuant to rule 5 of the committee rules.

Mr. Edwards. Is there objection?

The Chair hears none.

As our first witness, we are pleased to welcome Mr. David Nemecek, NCIC Section Chief, and Mr. Richard Dennis. Mr. Dennis is Assistant Section Chief, Criminal Investigation Division of the Federal Bureau of Investigation.

Also, we have Kier Boyd.

Gentlemen, we are pleased to have you here.

TESTIMONY OF KIER T. BOYD, INSPECTOR, DEPUTY ASSISTANT DIRECTOR, TECHNICAL SERVICES DIVISION, FBI; DAVID F. NEMECEK, NCIC SECTION CHIEF; AND RICHARD DENNIS, ASSISTANT SECTION CHIEF, CRIMINAL INVESTIGATION DIVISION, FBI

Mr. **Kier Boyd**. Good morning, Mr. Chairman, Congressman Hyde.

I am Kier Boyd, Assistant Director of the FBI's Technical Services Division. On my right is David F. Nemecek, Section Chief for the National Crime Information Center; on my left Richard C. Dennis, Jr., representing our Criminal Investigative Division.

We appreciate the opportunity to appear before the committee on this important bill and I would like to ask the chairman if I may enter my opening statement and then speak extemporaneously on that and enlarge on some of the items contained in the opening statement.

Mr. **Edwards**. Without objection, it will be entered in the record in full at this point.

[Statement of Mr. Boyd follows:]

OPENING STATEMENT OF

INSPECTOR-DEPUTY ASSISTANT DIRECTOR KIER T. BOYD

Mr. Chairman, we appreciate the opportunity to appear before the Subcommittee today to discuss the National Crime Information Center and, more specifically, the NCIC Missing Person File and the need for an unidentified dead file. With me are David F. Nemecek, the Chief of NCIC, and Richard C. Dennis, Jr., from our Criminal Investigative Division.

NCIC was created pursuant to 28 U. S. Code, Section 534, and was placed on line January, 1967. The System is a model example of cooperative effort among city, county, state, and Federal criminal justice agencies to provide an invaluable tool for the nationwide criminal justice community. A major objective of NCIC is to provide for timely, accurate, documented criminal justice information, as well as immediate confirmation of this information when an NCIC hit occurs. NCIC policy requires that only the criminal justice agency with jurisdiction over the investigation or the appointed holder of the record is authorized to enter, update, and confirm NCIC record information. Although relying on voluntary entry of records in NCIC, the System has been a success since its inception in 1967, and now contains over 9,000,000 active records with a daily average of 342,000 transactions. The average inquiry time is approximately three seconds and the cost to the Federal Government is 4.8 cents per transaction.

A Missing Person File was created as a part of NCIC in 1975 under the authority set forth in 28 U. S. Code, Section 534. One concern in the establishment of the Missing Person File was to provide for adults whose welfare might be in danger by being missing. The primary impetus for the file's creation was to provide a file to respond to the need for a means of nationwide dissemination of information concerning missing and runaway children. The entry criteria established for the File are as follows:

1. A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

2. A person of any age who is missing and in the company of another person under circumstances indicating that his or her physical safety is in danger.

3. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

If a missing juvenile has a mental disability or is missing and in the company of another person under circumstances indicating that his or her safety is in danger, or is missing under circumstances indicating the disappearance was not voluntary, then the juvenile would be entered in one of the first three entry criteria. Criterion #4 was established as a general category to accommodate entry of juveniles who do not qualify for the first three categories. Minimal documentation of the circumstances surrounding the individual's disappearance, such as the filing of a missing person report, is required in order that a record qualify for entry in NCIC. Since 1975, approximately 780,000 missing persons records have been entered in the file, 592,000 of which were juveniles under the fourth category. The total number of missing persons contained in the file at this time is 24,640, of which approximately 19,000 are juveniles. The

Missing Person File is the most active NCIC file in terms of percentage of records entered and cleared with an average turnover rate per month of 50%.

A normal process to accomplish the entry of a juvenile in the Missing Person File would be as follows: A law enforcement agency would receive a missing report from a parent, guardian, or family member indicating the child's disappearance. The report would be referred immediately to an individual stationed at an NCIC terminal for entry into the system. Approximate entry data would be typed in and sent via high-speed telecommunications lines to the FBI computer for storage. Thereafter, any of the approximately 62,000 agencies authorized to make inquiries of NCIC could, upon encountering an individual who may be missing, make a terminal inquiry of the computer to determine the missing status of the individual. Should an inquiring agency receive an NCIC "hit," the agency would immediately contact the entering agency to validate the record data, attempt to identify if the record and the individual are one and the same and, if identical, make arrangements for the return of the individual. Specific identifying data that may be entered in the record or contained in the record are as follows:

Missing Person File designator and category, i.e., Disability, Endangered, Involuntary, or Juvenile; Identity of the agency entering the record; Missing person's name; Sex; Race; Place of birth, e.g., State, Canadian Province, or foreign country; Date of birth; Date of emancipation (for Juvenile category records only); Height; Weight, Eye Color; FBI Identification Number; Skin Tone (complexion); Scars, marks, tattoos, artificial or missing body parts and aids, etc.; Fingerprint classification; Miscellaneous numbers including: (Alien registration; Canadian Social Insurance; Mariner's Document or identification; Military Serial; Police identification; Passport; State-issued personal identification; Port Security identification; RCMP Identification or Fingerprint classification; Selective Service; Veterans Administration Claim); Social Security Number; Operator's (driver's) license number with the state of issuance and year that license expires; Date that the person is discovered to be missing; Entering agency's case number; Miscellaneous data such as the missing person's nicknames, a description of the clothing that the missing person was wearing, and any information for which there is no data element; Information concerning a vehicle that the missing person has in his or her possession.

NCIC users are regularly trained regarding the existence and use of all NCIC files through publications, onsite training, and through regular NCIC user Regional and Advisory Policy Board meetings. Specifically with reference to the Missing Person file we have recently highlighted its availability through an article in the NCIC monthly newsletter, a letter from Director Webster to all Special Agents in Charge, and verbal publication at NCIC Regional meetings and the Advisory Policy Board meeting. We have also prepared an article for publication in the "Law Enforcement Bulletin."

Turning to the problem of the unidentified dead, the FBI Identification Division has assisted in the identification of unknown deceased persons since 1924, pursuant to authority now contained in 28 U. S. Code,Section 534, through fingerprint identification and disaster-assistance service. In addition, since the inception of NCIC, the FBI has provided, upon request or receipt of an all-points bulletin, additional assistance in this regard. A special search of NCIC missing person and wanted person records is conducted utilizing general descriptive data provided by the inquiring agency. A listing of all NCIC records of individuals meeting the general descriptive data is provided to the investigative agency to assist in the identification of the deceased. The NCIC Advisory Policy Board has periodically addressed the need for a separate NCIC file containing descriptive data on unidentified deceased persons. A number of issues that have been addressed in the consideration are as follows: The need for a centralized data base at a national level, nonstandardization of identification data; requirement for centralization of data collection at the state level, the degree of complexity and cost of computerization of all identification data, the requirement for immediate response utilizing a system like NCIC and the appropriate agency to house such a file if it is required. At the June, 1981, Advisory Policy Board meeting a recommendation was made to establish a two-year pilot project utilizing the existing Colorado State Unidentified Dead File to evaluate the need for and feasibility of establishment of a national computerized file. Status reports will be given at each of the biyearly Advisory Policy Board meetings. Experience has taught us that when creating totally new information systems, the use of a pilot project is the best way to proceed.

Director Webster has met with members of Congress concerning the subject matter of today's hearings. He shares their concern and hopes that through your efforts, means will be found to assist in the return of missing children and identification of unknown deceased persons.

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Mr. **Kirk Boyd.** The NCIC system exists pursuant to title 28, United States Code, section 534. It is a system which was inaugurated in January 1967 and is a cooperative venture with the Federal, State, and local criminal justice community. It is entirely a voluntary system as far as the entry of records and the use which is made of it.

Today there are approximately 9 million records in the system and, on any given day, the transactions against our files will be somewhere between 340,000 and 350,000 transactions. The costs to the Federal Government are approximately 4⅘ cents per transaction which includes the computer resources to run the system, the telecommunication lines out to the State control terminals and certain Federal agencies, and the management of the system which Mr. Nemecek's people provide.

Turning to the missing persons file, the system came up with a missing persons file in 1975. There were four criteria set forth, and they are still active today. Three of them have to do with people whose disappearance is either not voluntary or there is some indication that their disappearance may result in harm to themselves or to others.

The fourth one, and the primary reason for the file, was a repository for missing children.

Specifically, the first category of the four is a person of any age who is missing and under proven physical or mental disability or senile, thereby subjecting himself or others to personal and immediate danger.

The second category, a person of any age who is missing and in the company of another person under circumstances indicating that his or her physical safety is in danger.

The third, a person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

The fourth one, and the one that we will be discussing this morning, is the one that says a person who is missing and declared unemancipated as defined by the laws of his State of residence, and does not meet any of the first three criteria.

To date we have had approximately 780,000 people entered into the missing persons file, roughly 592,000 of these have been juveniles. On any given day the file size for missing persons will be about 24,000. Of those, 19,000 are juveniles. It is a file with a fast turnover rate; on the average, about 50 percent of the file turns over during the course of the month.

The mechanics of entry are that the person who is a parent, guardian, or a relative of a missing child will go and report that to the authorities in charge of investigating that disappearance. That agency will then enter into NCIC the data which is available and fits into the format of the file.

To give you some idea of the data which is contained in it, in addition to identifying the agency which entered it and their particular case file number, we have the missing person's name, sex, race, place of birth, date of birth, in the case of a juvenile the date of emancipation, height, weight, eye color, hair color, FBI number if there is one, skin tone, scars, marks, tattoos, fingerprint classification if it is known, social security number, and any other number which may be used to help identify that person.

In addition to this, we have fields for the operator's license to show the number of the license, the State, when the license expires; we also have fields to indicate what vehicle the person may be using, specifically the license plate data, vehicle identification number, year, make, model, style, color of the vehicle.

We then have the date that the person was missing and, finally, we have what we call a miscellaneous field in which one can enter anything which might assist in the identification of the person, such as the clothes that they were last seen wearing.

Once this information is entered into NCIC, it is immediately available to approximately 62,000 criminal justice agencies throughout the country. If an inquiry is made on the system, it is treated the same as any other inquiry on another file, namely, this is just lead information at this point. It is up to the person who has the missing child to get together with the agency which has the investigative jurisdiction to determine, is the child which they are holding the person who has the record entered about him? If that is the case, then an arrangement is made for the return of the child.

As I indicated, we began the file in 1975. We have on a continuing basis brought the existence of this file to the attention of those who are using the system. I would like to enter at the conclusion of our testimony 15 NCIC newsletters which span the period April 1975 to the present year.

On a continuing basis, we are telling the people about the availability of this file. In addition to this, Mr. Nemecek's people, who are out training State people, stress the availability of the file and the mechanics of its use.

The file is also discussed at our regional meetings, the NCIC system being split into four different regions. It is also regularly discussed at the Advisory Policy Board meetings.

Within the past year, Director Webster has sent a letter to the special agents in charge, which we call a SAC memorandum, advising them of the file and, more importantly, offering that as an opportunity for our police coordinators to, once again, bring to the attention of the police the existence of the file and its usefulness.

At the present time we are preparing an article for the Law Enforcement Bulletin where we have taken statistical data from the system and not only tried to once again remind people of the existence of the file, but give some information such as, are there more female runaways than male? At the present time it is indicated that about 60 percent of the people in the file are girls.

How long are they likely to be gone? What are the age brackets as far as percentage of disappearance?

We find at least on the initial data that we have that the disappearance rate is fairly low and seems then to rise sharply and peak in the area of 15-, 16-, and 17-year-olds.

We would also like to see such things as, is there a time during the year when disappearance is more likely than at some other time? Also, as far as the entry of the name into the NCIC system, is there a correlation between how fast you enter it into the system and the likelihood that the person will be found and returned?

These are things which we hope in the forthcoming Law Enforcement Bulletin article we will be able to answer.

Turning to the unidentified dead, the Identification Division of the FBI has since 1924 assisted in the identification of unknown deceased persons through fingerprints.

The figures that are available seem to indicate that this is successful in about 35 percent of the cases, most of the people just do not have fingerprints on file. The NCIC section is also able and does lend assistance in the identification of unknown dead.

If there is an all points bulletin or if a specific request is made of NCIC, they will take the data furnished and do an off-line search against the file and give the inquiring agency lists of people that may be their unidentified dead.

The need for a central file was first discussed in the early 1970's at an NCIC all-participants meeting. Since that time, the question has come up periodically.

In December of last year the NCIC Advisory Policy Board created an ad hoc committee to look into this, and in June of this year the ad hoc subcommitee came back and recommended—and the Advisory Policy Board adopted—that we use the Colorado State unidentified-dead file as a pilot. This we would run for approximately 2 years in order to get data on such things as the standardization of information.

We find that one of the best means of identifying deceased people is the dental chart, yet there are perhaps 15, 16, 17 different types of dental charts used and ways of marking it. Others, things we are looking into, what is the time criticality? Is this something that should be an online file or is this something that could work adequately without online access to a system such as NCIC?

What is the cost of such a file? On cost data, we have taken the Colorado system as a model and made some preliminary cost estimates. The startup costs would be approximately $47,000 and about 2¼ workyears.

On the costs of maintaining the system once it is up, it would be approximately $285,000 and a little in excess of 4 workyears.

What Colorado is finding is that there is not a lot of activity against that file, and we prefer when we have a new approach like this to go with a pilot and run the thing long enough that we are able to get a pretty good handle on what sort of information is needed, how should it be formatted, how should the system be run.

At the present time, I believe the figures Dave gave me, in 1 month the Colorado system accepted a little over a dozen unidentified dead reports and they had six inquiries against the file. With that sort of thing, we really need a fairly long period in order to determine what is the best way of creating and maintaining such file, if in fact that is given to us.

At the conclusion of our testimony, I would like to also enter into the record a page which comes from the Colorado system which gives background information on this file and that is followed by a copy of the report which is made. It is a checkoff form, which is used by any agency who wants to use their file.

[The information follows:]

UNIDENTIFIED DEAD FILE

BACKGROUND

The materials attached give a brief functional description of the Unidentified Dead File maintained by the Colorado Bureau of Investigation (CBI). It is our hope that once the need for and economy of the file is demonstrated, a national agency could add such a file to its on-line services.

The CBI developed this file first to minimize its work in checking the many weekly teletype inquiries concerning missing persons and/or unidentified dead. Second, we wanted to be better prepared to handle mass fatalities involving unidentified dead. The State Emergency Preparedness Plan obligates the CBI to coordinate identification of unidentified dead, together with related communications duties.

We have drawn on resources of the IAI, the USAF, and Colorado State University, the FBI, and our own staff in designing our own reporting form, the dental charting procedure, and our computerized file system. We have automated basic identification data, and are prepared to do the same with the dental information.

Our system, not unlike NCIC, is dependent on two phases of user participation. First, the reference information (reports of unidentified dead) must be filed. Second, investigators need to check their missing person reports against the file. The CBI file function is to point the inquirer to the law enforcement agency with information that might be helpful.

You may already realize:

1. Many missing person reports are delayed until months or years after the corpse in question has been recovered.
2. Efforts to link unidentified dead with missing person reports are minimal.
3. Most unidentified human remains are in good condition (recent death) and are easily described in standard police terminology.

We concluded the cost of our own file system would be minimal; our work would be reduced as a result of it; and our service to law enforcement in this area would be improved markedly.

Unidentified Dead/Missing Person Report

☐ Unidentified Dead (UID) ☐ Missing Person(MNP) Reporting Agency________ Case Number________

Name________ ________ Address/Location________

AKA________ Occupation________ Employer________

SOC________ LIC________ LIS________ OLN________ OLS________ POB________

MNU s________ Estimated Time of Death________

Reporting Party________ Address________ Phone________

Clothing(Describe in Detail)________

Rings(RNG)
☐ Gold Band(1)
☐ Silver Band(2)
☐ Diamond(3)
☐ Turquoise(4)
☐ Class(5)
Other(6)________

Other Personal Items(OPI)________

Physician

Name________
Address________
Phone________

Dentist

Name________
Address________
Phone________

Fingerprint Class(NCIC)
(FPC) (Attach prints)

Age/Date of Birth(DOB)
☐ Infant(1)
☐ Young Child(2)
☐ 10-13(3)
☐ 14-17(4)
☐ 18-25(5)
☐ 26-35(6)
☐ 36-45(7)
☐ 46-55(8)
☐ 56-Over(9)
Exact DOB(10)________

Sex(SEX)
☐ Male(1)
☐ Female(2)
☐ Unknown(3)

Race(RAC)
☐ Caucasian(1)
☐ Negro(2)
☐ Chicano(3)
☐ Indian(Amer)(4)
☐ Chinese(5)
☐ Japanese(6)
Other(7)________

Height (HGT)
☐ Small Child(1)
☐ Very Short(503-Under)(2)
☐ Short(504-506)(3)
☐ Medium(507-509)(4)
☐ Tall(510-601)(5)
☐ Very Tall(602-Over)(6)
Exact Height(7)________

Weight(WGT)
☐ Very Thin(1)
☐ Thin(2)
☐ Medium(3)
☐ Muscular(4)
☐ Heavy/Stock(5)
☐ Obese(6)
Exact Weight(7)________
Approx Weight(8)________

Complexion(SKN)
☐ Albino(1)
☐ Black(2)
☐ Dark(3)
☐ Medium(4)
☐ Light(5)
☐ Fair(6)
☐ Olive(7)
☐ Sallow(8)
☐ Yellow(9)
☐ Ruddy(10)

Nose(NOS)
☐ Crooked(1)
☐ Hooked(2)
☐ Upturned(3)
☐ Long(4)
☐ Broad(5)
☐ Flat(6)
☐ Small(7)
☐ Thin(8)
☐ Discolor(9)
☐ Mole(10)
☐ Scar(11)
☐ Tattoo(12)
Tattoo Type(13)________

Eyes
Color(EYE)
☐ Brown(1)
☐ Blue(2)
☐ Hazel(3)
☐ Black(4)
☐ Green(5)
☐ Gray(6)
☐ Maroon(7)
☐ Pink(8)
Other(9)________

Other Features (EYE)
☐ Missing Left(1)
☐ Missing Right(2)
☐ Cataract Left(3)
☐ Cataract Right(4)
☐ False Left(5)
☐ False Right(6)
☐ Mole Left(7)
☐ Mole Right(8)
☐ Blind Left(9)
☐ Blind Right(10)
☐ Discolor Left(11)
☐ Discolor Right(12)
☐ Contacts(13)
☐ Glasses(14)
☐ Sunglasses(15)
☐ Crossed(16)
☐ Bulging(17)
☐ Squint/Blink(18)
☐ Irregular(19)
☐ Dilated(20)
☐ Scar Left(21)
☐ Scar Right(22)
☐ Other(23)________

Hair
Color(HAI)
☐ Black(1)
☐ Lt Brown(2)
☐ Drk Brown(3)
☐ Blond/Strawberry(4)
☐ Gray(5)
☐ Partially Gray(6)
☐ Red/Auburn(7)
☐ Sandy(8)
☐ White(9)
☐ Salt & Pepper(10)
Other(11)________

Fiber(HRF)
☐ Wavey(1)
☐ Kinky(2)
☐ Bushy(3)
☐ Curly(4)
☐ Straight(5)
Other(6)________

Type(HRT)
☐ Bald/Thin(1)
☐ Dyed(2)
☐ Straightened(3)
☐ Wig/Toupee(4)
☐ Crew-cut(5)
☐ Streaked/Frosted(6)
☐ Afro Style(7)
☐ Short(8)
☐ Mid-neck(9)
☐ Shoulder(10)
☐ Longer than shoulder(11)
☐ Other(12)________

(OVER)

Face

Hair(FAH)
☐ Clean Shaven(1)
☐ Unshaven(2)
☐ Full Beard/Goatee(3)
☐ Mustache Heavy(4)
☐ Mustache Thin(5)
☐ Brows Heavy(6)
☐ Brows Thin(7)
☐ Side Burns Long(8)
☐ Side Burns Short(9)
☐ Mutton Chops(10)

Shape(FAR)
☐ Caucasian W/Negroid(1)
☐ Negroid W/Caucasian(2)
☐ High Cheek Bone(3)
☐ Hollow Cheek(4)
☐ Long(5)
☐ Broad(6)
☐ Thin(7)
☐ Round(8)
Other(9) ____________

Oddities(FAO)
☐ Mole Neck(1)
☐ Mole Upper Lip(2)
☐ Mole Lower Lip(3)
☐ Lips Thick(4)
☐ Lips Thin(5)
☐ Chin Protruded(6)
☐ Chin Receded(7)
☐ Harelip(8)
☐ Freckles(9)
☐ Pockmarks(10)
☐ Discolor Lips(11)
☐ Discolor Chin(12)
☐ Discolor Forehead(13)
☐ Discolor Left Cheek(14)
☐ Discolor Right Cheek(15)
☐ Discolor Neck(16)
☐ Scar Left Cheek(17)
☐ Scar Right Cheek(18)
☐ Scar Chin(19)
☐ Scar Forehead(20)
☐ Scar Upper Lip(21)
☐ Scar Lower Lip(22)
☐ Scar Neck(23)
☐ Scar Face(Non Specific)(24)
☐ Tattoo Left Cheek(25)
☐ Tattoo Right Cheek(26)
☐ Tattoo Chin(27)
☐ Tattoo Forehead(28)
☐ Tattoo Neck(29)
☐ Tattoo Head(Non Specific)(30)
Tattoo Type(31) ______

Ears(ERS)
☐ Mole Left(1)
☐ Mole Right(2)
☐ Deaf Left(3)
☐ Deaf Right(4)
☐ Discolor Left(5)
☐ Discolor Right(6)
☐ Hearing Aid Left(7)
☐ Hearing Aid Right(8)
☐ Missing Left(9)
☐ Missing Right(10)
☐ Cauliflower Left(11)
☐ Cauliflower Right(12)
☐ Pierced Left(13)
☐ Pierced Right(14)
☐ Protruding(15)
☐ Large(16)
☐ Medium(17)
☐ Small(18)
☐ Scar Left(19)
☐ Scar Right(20)
☐ Tattoo Left(21)
☐ Tattoo Right(22)
Tattoo Type(23) ______

Teeth(TTH)
☐ Missing(1)
☐ Gold(2)
☐ Silver(3)
☐ Broken(4)
☐ Stain/Decay(5)
☐ Protruding(6)
☐ Irregular(7)
☐ Bridge(8)
☐ Upper Denture(9)
☐ Lower Denture(10)
☐ Full Denture(11)
☐ Braces(12)

Other Body Features

Artificial(ART)
☐ Arm Left(1)
☐ Arm Right(2)
☐ Foot Left(3)
☐ Foot Right(4)
☐ Hand Left(5)
☐ Hand Right(6)
☐ Leg Left(7)
☐ Leg Right(8)
Other(9) ____________

Crippled/Deformed (DFO)
☐ Arm Left(1)
☐ Arm Right(2)
☐ Fingers Left(3)
☐ Fingers Right(4)
☐ Foot Left(5)
☐ Foot Right(6)
☐ Hand Left(7)
☐ Hand Right(8)
☐ Leg Left(9)
☐ Leg Right(10)
☐ Short Left(11)
☐ Short Right Leg(12)
☐ Humpbacked(13)
☐ Extra Fingers Left(14)
☐ Extra Fingers Right(15)
☐ Toe Left Foot(16)
☐ Toe Right Foot(16

Missing(AMP)
☐ Arm Left(1)
☐ Arm Right(2)
☐ Forearm Left(3)
☐ Forearm Right(4)
☐ Fingers Left(5)
☐ Fingers Right(6)
☐ Foot Left(7)
☐ Foot Right(8)
☐ Hand Left(9)
☐ Hand Right(10)
☐ Leg Left(11)
☐ Leg Right(12)
☐ Lower Leg Left(13)
☐ Lower Leg Right(14)

Needle Marks(NEM)
☐ Arm Left(1)
☐ Arm Right(2)
☐ Fingers Left(3)
☐ Fingers Right(4)
☐ Hand Left(5)
☐ Hand Right(6)
☐ Leg Left(7)
☐ Leg Right(8)
☐ Wrist Left(9)
☐ Wrist Right(10)

Discolorations(DSC)
☐ Arm Left(1)
☐ Arm Right(2)
☐ Fingers Left(3)
☐ Fingers Right(4)
☐ Hand Left(5)
☐ Hand Right(6)
☐ Wrist Left(7)
☐ Wrist Right(8)

Fractures(FRC)
☐ Ankle Left(1)
☐ Ankle Right(2)
☐ Arm Left(3)
☐ Arm Right(4)
☐ Hand Left(5)
☐ Hand Right(6)
☐ Fingers Left(7)
☐ Fingers Right(8)
☐ Leg Left(9)
☐ Leg Right(10)
☐ Skull(11)
☐ Torso(12)

Pregnancy(PRG)
☐ Was(1) ☐ #(2) ______
☐ Is(3)
☐ Never(4)

Circumcised(CRC)
☐ Yes(1)
☐ No(2)

Other(13) ____________

Scars(BSC)
☐ Abdomen(1)
☐ Ankle Left(2)
☐ Ankle Right(3)
☐ Arm Left(Non Specific)(4)
☐ Arm Right(Non Specific)(5)
☐ Arm Upper Left(6)
☐ Arm Upper Right(7)
☐ Back(8)
☐ Breast(9)
☐ Buttocks(10)
☐ Calf Left(11)
☐ Calf Right(12)
☐ Chest(13)
☐ Elbow Left(14)
☐ Elbow Right(15)
☐ Fingers Left(16)
☐ Fingers Right(17)
☐ Foot Left(18)
☐ Foot Right(19)
☐ Forearm Left(20)
☐ Forearm Right(21)
☐ Hand Left(22)
☐ Hand Right(23)
☐ Knee Left(24)
☐ Knee Right(25)
☐ Leg Left(Non Specific)(26)
☐ Leg Right(Non Specific)(27)
☐ Shoulder Left(28)
☐ Shoulder Right(29)
☐ Thigh Left(30)
☐ Thigh Right(31)
☐ Wrist Left(32)
☐ Wrist Right(33)

Tattoos(TAT)
☐ Abdomen(1)
☐ Ankle Left(2)
☐ Ankle Right(3)
☐ Arm Left(Non Specific)(4)
☐ Arm Right(Non Specific)(5)
☐ Arm Upper Left(6)
☐ Arm Upper Right(7)
☐ Back(8)
☐ Breast(9)
☐ Buttock(10)
☐ Calf Left(11)
☐ Calf Right(12)
☐ Chest(13)
☐ Fingers Left(14)
☐ Fingers Right(15)
☐ Foot Left(16)
☐ Foot Right(17)
☐ Forearm Left(18)
☐ Forearm Right(19)
☐ Hand Left(20)
☐ Hand Right(21)
☐ Knee Left(22)
☐ Knee Right(23)
☐ Leg Left (Non Specific)(24)
☐ Leg Right (Non Specific)(25)
☐ Shoulder Left(26)
☐ Shoulder Right(27)
☐ Thigh Left(28)
☐ Thigh Right(29)
☐ Wrist Left(30)
☐ Wrist Right(31)
☐ Tattoo Type(31) ______

Blood Type(BLT)
☐ A(1) ☐ AB(4)
☐ B(2) ☐ +(5)
☐ O(3) ☐ −(6)

Breasts(BRE)
☐ Large(1)
☐ Medium(2)
☐ Small(3)

Dental Chart(DNT) (Attach chart) ____________

Metal Pins/Plates(MPP) ____________

Miscellaneous(MIS) ____________

(Attach additional information as needed)

Signature of Official Completing Form Title ID# Date Time

NCIC

FBI

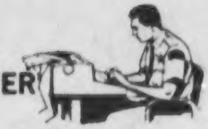
NATIONAL CRIME INFORMATION CENTER

Newsletter 75-4 April, 1975

MISSING PERSON: DO NOT ENTER IN WANTED PERSON FILE

Only individuals for whom felony or serious misdemeanor warrants are outstanding meet the criteria for entry in the Wanted Person File. Missing persons should not be entered in the Wanted Person File. A new Missing Person File is anticipated to go on-line October 1, 1975. A record format for the Missing Person File, the criteria for entering, and the procedures to administer such a computerized file have been established. The format provides for the entry of descriptive information and unique numeric identifiers and specifically identifies the individual as a missing person and not as a person for whom an arrest warrant is outstanding.

NCIC
FBI
NATIONAL CRIME INFORMATION CENTER
Newsletter
75-10 October, 1975



MISSING PERSON FILE

The new NCIC Missing Person File became operational October 1, 1975. All hits must be immediately confirmed with the ORI. The implementation of the NCIC Missing Person File does not affect existing state laws or police procedures relating to the detention of missing persons.

Federal Bureau of Investigation
United States Department of Justice, Washington, D. C. 20535

NCIC OPERATING MANUAL - REVISION #21

Revision #21 for the NCIC Operating Manual, Missing Person File, has been mailed. System users who have not received this revision should contact their nearest control terminal agency for a copy.

NCIC

FBI

NATIONAL CRIME INFORMATION CENTER

Newsletter 75-12 December, 1975

ENTRY OF SUPPLEMENTAL DATA TO ACTIVE MISSING PERSON RECORDS

An NCIC quality control survey has revealed that multiple entries on the same individual are being made in the Missing Person File by the same originating agency to place in file aliases or variations of the missing person's name. Name variations and aliases should be appended to the base missing person record already in file by means of a supplemental record entry. Users should refer to Part 8, Section 8, pages 8-18 through 8-23 of the NCIC Operating Manual for the procedure for entry and removal of aliases and additional numerical identifiers (such as operator's license number and dates of birth) as supplemental data to an active missing person record.

NCIC
FBI
NATIONAL CRIME INFORMATION CENTER
Newsletter 76-5 May, 1976

NOTIFICATION OF MISSING PERSON LOCATES AND PURGES

When the Missing Person File became operational, the NCIC computer was programmed to automatically purge a Missing Person File record and any supplemental data appended to the record upon receipt of a locate message. NCIC had been notifying only the originating agency (ORI) of the record when a missing person was located and automatically purged. However, on April 14, 1976, NCIC began notifying both the ORI and the state control terminal agency servicing the ORI when a missing person record is purged as the result of a locate. This new procedure will help to ensure that Missing Person File records in state data bases and the NCIC are in agreement.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

77-2 WASHINGTON, D.C. 20535 February 1977

LOCATE TRANSACTIONS

The new locate notification procedures indicate that not all users are locating records properly. The purpose of the locate message is to indicate [until the originating agency (ORI) clears the record] that stolen or missing property has been recovered or a wanted person has been apprehended. The locate message for a Missing Person record indicates that the person has been found and removes the record from file.

An NCIC inquiry may reveal one or more records in file for an item of stolen property, a wanted person, or a missing person. Such situations may occur when two or more ORIs have a warrant for the same individual or an item of property is stolen where concurrent Federal and local jurisdiction exists. When an agency receives multiple records in response to an inquiry, each ORI must be contacted to confirm the hit. Following confirmation with the ORIs, all records entered for the recovered property, apprehended wanted person, or found missing person must be located to ensure that they are in the correct status.

TEST RECORDS

Test records are permitted in NCIC for training, demonstration, and other administrative purposes. Users are reminded that all test records must: (1) be identified as such by entering remarks in the Miscellaneous (MIS) Field; and (2) contain only fictitious names and numbers.

Wanted Person and Missing Person entries containing FBI numbers are automatically printed on cards by the NCIC computer. These cards are forwarded to the FBI Identification Division for posting of a wanted notice in the person's fingerprint record. Test record entries containing fictitious FBI numbers are also printed on cards and forwarded to the FBI Identification Division. The printing of cards for test records wastes paper, computer time, and processing time in the FBI Identification Division. Therefore, users are requested to leave the FBI Number Field blank in all test records.

All agencies are urged to review their test records and modify or cancel them as necessary to preclude erroneous hits and improper actions by inquiring agencies.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

77-4 WASHINGTON, D.C. 20535 April 1977

NCIC MISSING PERSON RECORDS

Users are reminded that only individuals for whom felony or serious misdemeanor warrants are outstanding meet the criteria for entry in the NCIC Wanted Person File. Any missing person entered in the Wanted Person File before the Missing Person File became operational on October 1, 1975, and still on file should be immediately canceled. Since October 1, 1975, missing persons must be entered in the Missing Person File if they meet the criteria for entry. The criteria for entry in that file is found in the NCIC Operating Manual, Part 8, page 8-1.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

77-5 WASHINGTON, D.C. 20535 May 1977

LOCATE TRANSACTIONS

The purpose of the locate message is to indicate, until the originating agency (ORI) clears the record, that a wanted person has been apprehended or stolen or missing property has been recovered. The locate message for a missing person record indicates that the person has been found and removes the record from file.

An NCIC inquiry may reveal one or more records in file for a wanted person, a missing person, or an item of stolen property. Such situations may occur when two or more ORIs have a warrant or a missing person report for the same individual or an item of property is stolen where concurrent Federal and local jurisdiction exists. When an agency receives multiple records in response to an inquiry and the person or item inquired upon appears to be identical with the subject or a stolen item in one or more of these records, the inquiring agency must contact the ORI of each record possibly identical with the person or item in question to confirm the hit(s). Following confirmation with the ORI(s), each record entered for the apprehended wanted person, found missing person, or recovered property must be located to ensure that each is in the correct status.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

78-1 WASHINGTON, D.C. 20535 January 1978

PURGE OF EXPIRED LICENSE PLATE AND REGISTRATION/DOCUMENT DATA

MISSING PERSON AND WANTED PERSON ENTRIES

In the entry of a missing person or wanted person record, the Operator's License Number, Operator's License State, and Operator's License Year of Expiration Fields may be left blank if such information is not available. However, this information should be obtained and added to the record using a modification message. When driver's license information is included in an individual's record, the chances of locating the missing person or apprehending the wanted person increase since this information is available to an officer who may stop the individual for a traffic violation.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

78-2 WASHINGTON, D.C. 20535 February 1978

DUPLICATION OF MISSING PERSON AND WANTED PERSON ENTRIES

A number of NCIC users are making two missing person or wanted person entries for one individual. Two separate entries by an originating agency (ORI) on one individual are not necessary and waste costly computer storage space. Additional numerical identifiers and aliases should be appended to a missing person or wanted person record by using the supplemental record entry message key EMN (missing person) or EN (wanted person).

In instances when a warrant for an individual contains multiple charges, the more serious charge should be entered in the Offense Field and the additional charge(s) should be shown in the Miscellaneous (MIS) Field. If an ORI has entered an NCIC record for an individual and subsequently obtains another warrant for that individual on another charge, the second charge and date of warrant should be added to the MIS Field of the record by using a modification message.

NATIONAL
CRIME
INFORMATION
CENTER NEWSLETTER

79-4 WASHINGTON, D.C. 20535 April, 1979

ENTRY OF ALIASES IN SUPPLEMENTAL RECORDS OF WANTED AND MISSING PERSON RECORDS

A review of supplemental records in the Wanted and Missing Person Files reveals that some users are entering nicknames and adding a fictitious last name in the Alias (AKA)Field, e.g., AKA/NICKNAME, BOB or AKA/NICKNAME, SHORTY. This is a useless procedure since the search criteria of the Wanted and Missing Person Files will reveal only those records in which the last name and date of birth in the inquiry match a last name and date of birth in the records. It would be very unlikely that someone would inquire on the name, NICKNAME, SHORTY. At no time is a search conducted on the first name in a wanted or missing person record. For this reason, nicknames should only be entered in the Miscellaneous (MIS) Field. A nickname can be defined as an additional descriptive name, e.g., Shorty or Tex, given instead of the one belonging to a person or the familiar form of a proper name, e.g., Bill or Tommy.

When entering aliases, enter only those names in which the surname is different from that in the Name (NAM) Field of the main record. This includes variations in spelling, e.g., Robert Smith or Robert Smythe, and different names, e.g., Robert Smith or Robert Jones. Eliminating unnecessary aliases using nicknames, e.g., Bob Smith for Robert Smith, in the Alias Field of supplemental records will improve response time.

NATIONAL CRIME INFORMATION CENTER NEWSLETTER

79-10 WASHINGTON, D.C. 20535 October, 1979

DUPLICATION OF MISSING PERSON OR WANTED PERSON ENTRIES

Some NCIC users are making two missing person or wanted person entries for one individual. Two separate entries by an originating agency (ORI) on one individual are not necessary and waste costly computer storage space. Additional numerical identifiers and aliases should be appended to a missing person or wanted person record by using the supplemental record entry message key EMN (missing person) or EN (wanted person).

In cases where a warrant for an individual contains multiple charges, the more serious charge should be entered in the Offense Field and the additional charge(s) should be shown in the Miscellaneous (MIS) Field. If an ORI has entered an NCIC record for an individual and subsequently obtains another warrant for that individual on another charge, the second charge and date of warrant should be added to the MIS Field of the record by using a modification message.

May, 1980

U.S. Department of Justice
Federal Bureau of Investigation
National Crime Information Center (NCIC)

NCIC Newsletter

INQUIRIES SHOULD CONTAIN ALL AVAILABLE DESCRIPTORS

In most instances, a wanted or missing person inquiry requested by a patrol officer on the street is based upon information obtained from the individual's driver's license. Typically, the information consists of name, sex, race, and date of birth along with the operator's license number (OLN).

FBI NCIC research has disclosed that, within the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico, there are presently six states using an applicant's Social Security Number (SOC) as the driver's license number. Five other states use the SOC if the applicant has one and gives consent for its use. Thirteen other states include the SOC on the license in addition to a unique operator's license number. In three of these thirteen states, the SOC is included on the license only if consent is given.

To ensure maximum results from an inquiry, a computer terminal operator should request the OLN from the inquiring officer as an additional descriptor, if it is not given. Also, operators should develop the practice of inquiring on an OLN that appears to be an SOC (an SOC is always nine numeric characters) using the message field codes OLN and SOC. When an SOC is given and the OLN is unknown, the SOC should be inquired on using the message field codes SOC and OLN.

July, 1980

U.S. Department of Justice
Federal Bureau of Investigation
National Crime Information Center (NCIC)

NCIC Newsletter

NAME SEARCHING IN NCIC

An inquiry of the NCIC Wanted Person or Missing Person File (message key code QW) may be made by name and one or more numeric identifiers.

When the inquiry contains a name and complete date of birth (DOB), i.e., month, day, and year, as the only numeric identifier, a name search is generated. The computer effects a match on the DOB and a soundex search of the name. Name search responses can be limited by including sex and race with the name and DOB in the inquiry.

When the inquiry contains a name and a numeric identifier other than DOB, i.e., the Social Security Number (SOC), FBI Number, miscellaneous number (MNU), operator's license number (OLN), etc., a name search is not generated. In this situation, only the numeric identifier is searched, not the name. Including sex and race in the inquiry with the name and numeric identifier other than DOB will not confine the search.

When the inquiry contains a name, DOB, and another numeric identifier, the computer searches the other numeric identifier first, the DOB second, and the name last.

September, 1980

U.S. Department of Justice
Federal Bureau of Investigation
National Crime Information Center (NCIC)

NCIC Newsletter

MISSING PERSON PROGRAM

FBI NCIC has been advised that the Missing Person Program of the FBI Identification Division is being discontinued. This decision was based on the diminished use of the Program in recent years as a result of privacy legislation and the availability of the NCIC Missing Person File. Persons requesting assistance in locating missing persons are being advised of the availability of the missing person services of NCIC. These persons are also being directed to contact a local or state law enforcement agency for a determination as to whether the individual they wish to locate comes within the criteria for entering a missing person record in NCIC as set out in the Operating Manual, page 8-1, section 1.1.

April 1981

U.S. Department of Justice
Federal Bureau of Investigation
National Crime Information Center (NCIC)

NCIC Newsletter

MISSING PERSON FILE

On October 1, 1975, the NCIC Missing Person File was implemented. This File has no connection with the criminal data stored in NCIC and is used almost exclusively by state and local criminal justice agencies to assist in the location of missing juveniles.

Persons requesting assistance in locating missing juveniles used to be advised of the availability of the missing person services of NCIC. The appropriate local or state law enforcement agency will then make the determination as to whether the individual comes within the criteria for entering a missing person record in NCIC. There are four categories for entry criteria and a missing juvenile record may be entered appropriately into any one of these. The categories are: (1) a person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger; (2) a person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety is in danger; (3) a person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., an abduction or kidnapping; and (4) a person who is missing and declared unemancipated as defined by the laws of his/her state of residence and does not meet the criteria set forth in 1, 2, or 3 above.

One data element mandatory to the entry of a missing juvenile in the fourth category listed above is the Date of Emancipation (DOE) Field. The DOE gives the exact date that a juvenile will attain the age of emancipation (majority) as defined by the statutes of his/her state of residence. Prior to entering a record for a missing juvenile who is a resident of another state, an agency may contact the NCIC Control Terminal Officer of that state to obtain information concerning the age of emancipation.

Mr. **Kier Boyd.** That, Mr. Chairman, concludes my opening remarks.

The Director has met with a number of Members of Congress on this. He shares your concern and realizes this is an important task and he hopes that, through your efforts, a means will be found to assist in the safe return of missing children and the identification of unknown deceased persons.

Mr. **Edwards.** Thank you very much, Mr. Boyd.

Do either of your colleagues desire to make a statement?

Mr. **Kier Boyd.** No.

Mr. **Nemecek.** No, thank you, sir.

Mr. **Edwards.** Without objection, the material you referred to will be made part of the record.

The gentleman from Illinois, Mr. Hyde?

Mr. **Hyde.** Thank you, Mr. Chairman.

Mr. Boyd, how long has the Colorado experiment been operating?

Mr. **Nemecek.** Since July 1 of this year, as a pilot for a national system. As a State system, it has been in operation for several years.

Mr. **Hyde.** Is there anything in its operation as a State system that is useful to you? Can you learn from its operation as a State system?

Mr. **Nemecek.** Yes; we can.

Mr. **Hyde.** You combine such knowledge with what is being done now in the national pilot program and it becomes a pretty useful teaching facility for the FBI; is that correct?

Mr. **Nemecek.** Yes, it is.

Mr. **Hyde.** Do you think a year is enough time to apply the lesson of the Colorado system to a national system?

Mr. **Nemecek.** Well, the Board had requested that it be a 2-year study in order to fully benefit from the study. Obviously 1 year would be better than no time at all.

Mr. **Hyde.** You can still study it during the second year as you are moving into your own operation, can you not?

Mr. **Nemecek.** Yes, sir.

Mr. **Hyde.** Very well.

Mr. **Nemecek.** Our particular concern was that we not implement a file, expend resources, and then in years later have to redesign, modify again recurring expenses which would not be necessary if we were to await the full 2 years.

Of course, there is also the possibility that the data might reveal that maybe data shouldn't even be computerized at all. Obviously that would have an impact on how much it would spend.

Mr. **Hyde.** I am sure there is a lot to learn from Colorado, from its operation. It is my thought that 1 year plus previous years in which the State system operated should provide adequate information to enable you to get started in October of next year because, frankly, I am very reluctant to put this off until 1983. We all have experience in compressing learning experiences when the need is there. They forced us to go through law school in 2 years instead of 3 years because we were kind of over the hill when we started, but we did it by working summers.

I would hope you can condense in 1 year what you would like to review at a more thoughtful pace during 2 years. In any event, that is my position on it.

Right now you provide a voluntary retrieval system to local law enforcement agencies. How extensively is your system used? Is it underutilized?

Mr. **Kier Boyd**. Speaking of the NCIC system as a whole?

Mr. **Hyde**. Yes, sir.

Mr. **Kier Boyd**. About 340,000 transactions a day. So it is well-used.

Mr. **Hyde**. It is not underutilized?

Mr. **Kier Boyd**. No.

Mr. **Hyde**. As I understand it, you have an objection to allowing the parents of missing children to enter information relating to those missing children into your computer.

Since we may not be able to mandate that local law enforcement supply information to the computer, aside from the inconvenience of having to talk to them and spend time with them, why should the parents not be able to visit the local FBI office and submit the information themselves?

Mr. **Kier Boyd**. I think there are two parts to that. One is the management of the system as an information system; the others would be from the investigative standpoint.

I would ask Dave to start with how the system works as far as the records, who is responsible for maintaining them, and why we believe that the person who is entering the records should be the person with jurisdiction over the subject matter.

Mr. **Nemecek**. Since NCIC's inception, the responsibility for entering a record in NCIC has been the responsibility of the agency that has jurisdiction to investigate the matter, the reason being that the most current and accurate information would be in the hands of the agency that has the responsibility for entering the record, and likewise should provide the most timely entry of the record in the system.

Mr. **Hyde**. I do not mean to interrupt you. I agree with you completely, but part of the reason for this is the inactivity, the inattention that may exist in a local jurisdiction there are overworked police officers, where you may have a lack of concern because of perhaps, racial differentiation. People often just have too much to do and simply don't get around to it. That is one reason we had hoped that it would be acceptable for people to go directly to you, conceding that the local police is the place to go, and they ought to go there first.

Understanding the concern of parents that some local police are less attentive than others or less able to direct their attention to this, I just hope you would bear that in mind as you answer.

Mr. **Kier Boyd**. Yes.

I would like Mr. Dennis to respond to that from the investigative standpoint.

Mr. **Dennis**. My only concern would be that we set up a dialog between the parents and the FBI wherein we, in fact, would probably in most instances not be investigating the disappearance of the missing child.

Mr. Hyde. You would get information from the parents one-on-one that gets lost in the translation as it goes through the local police station and the part-time worker who types it up, and then it goes past the chief.

You know there's something—I am not telling you anything, I am sure—to be gained by talking to the parents.

Mr. Dennis. Our concern would be that we would have to pass the information on to local law enforcement. We prefer the parents to deal directly with the local authorities.

Mr. Hyde. You don't have any insuperable problem with parents calling their local FBI office and saying, "My daughter, 4 years old, has been missing, and I'm going up the wall. Do you know about it?"

You could handle that, could you not?

Mr. Dennis. Sure, we could.

Mr. Nemecek. Congressman Hyde, probably the greatest argument against doing it stems from a quality control point of view as far as keeping the record accurate with all of the data.

For example, if there is additional descriptive data added, this data would normally be provided the agency with jurisdiction for the record. More importantly, when the inquiring agency receives an NCIC hit, that is they make an inquiry and there is a match with the record in the system, NCIC system policy requires that that agency immediately contact the agency that entered the record.

The reason for that is to assure that the identity of the individual in the record and the individual being detained are one and the same; and likewise, to insure the prompt removal of the record from the system.

So from the point of view of adding the FBI as an information receiving party, it begins to cloud the responsibilities in terms of keeping the record up to date, getting the record out of the system but, more importantly, is there something going to be lost in the translation between one agency that has investigative responsibility and the other that has the NCIC responsibility?

That is, on the opposite side of the coin, the one thing we have to deal with.

Mr. Hyde. A Congressman with two district offices often finds constituents going to both offices, with the result that duplicate files are opened. It is a little annoying when my two offices are calling the same agency in Washington it's annoying to everybody.

But, on the other hand, that is easily taken care of by the left hand knowing what the right hand is doing. You cannot forbid parents from talking to you. They are going to need to talk to you, especially if they do not think the local police department is doing anything and indeed the local police department is not perhaps for valid reasons. They simply may not be able to do anything.

I am sure that is not an insuperable problem. I suppose you could purge names of children who are found later from the system, or you could have a date—an automatic date for putting them in suspension so you don't have them in your active computer forever, cluttering it up, I do not think that is a problem. The numbers aren't that great.

Mr. Kier Boyd. I would add one thing to what Dave said.

The need for verification that the child you have is the missing child would be fine in a large city, but we span the country, including many one- and two-man resident agencies. You would have a problem that if a verification needed to be made and they were just going to detain the child a very short time, the resident agency might well be unmanned while the resident agent was out investigating during the day, in which case there wouldn't be any immediate answer; it would have to go back to the headquarters city that probably would not be right up on what the status was about that individual in some small locality.

Mr. HYDE. One last question, Mr. Chairman.

There is the problem, I take it, of lack of jurisdiction. The Federal kidnap statute suggests that after 24 hours, if somebody is missing, a rebuttable presumption is created that that person or that child has been transported interstate. Does that not suggest you do have jurisdiction of these matters?

Mr. DENNIS. The 24-hour rebuttable presumption occurs in our interpretation after some abduction has taken place. There has to be some evidence, some indicia that the child or the individual was abducted. That is the problem area.

Mr. HYDE. Absence from——

Mr. DENNIS. Just missing. Like 150,000 children were reported missing, the figures that Congressman Edwards read, how many of those were abducted? I do not know, but whenever there is the slightest indicia that there was an abduction, the FBI will become involved after the 24 hours. The 24-hour presumptive clause gives us the interstate requisite to get involved.

Mr. HYDE. In other words, you need the screeching car or something like this? Some evidence that an abduction has taken place; mere absence is not enough?

Mr. DENNIS. The problem area, the one we get into most discussions where the crux of the matter in my opinion is by way of example. I have a 12-year-old daughter. If she does not come home tonight I will be 100 percent convinced that she has been abducted, based on my familiarity with her behavior patterns in the past.

That is the area where we have the most trouble. In most instances right now, if I get calls from the field, I tell them to put an FBI agent in liaison with the police. We assist. If there is anything that comes up immediately that indicates something has occurred, we jump in with all fours.

Mr. HYDE. Do you have any rule of thumb of 3 days, 5 days, something like that?

Mr. DENNIS. Our general policy is we are looking for some indicia of an abduction.

Mr. HYDE. Here is the Walsh child who simply disappeared from a store and you folks never became involved.

I think we need to take another look at missing children. You have a problem with the runaway kid, the fight, the subsequent stay at the girl friend's house. So, many times, if there is absence for more than one night, maybe there is a chance that you folks should get into it. That is something we ought to talk about.

A great story is the racehorse which was worth $500,000. If it is a very valuable commodity, it always piques interest. Kids do walk away. Kids do run away. They are not all kidnaped and they are not all going to end up like poor Adam Walsh, but enough of them do that we ought to take a look at it and do something.

Maybe the passage of some number of days would create a presumption; if they were treated as well as stolen cars, maybe?

Well, OK. Thank you. You have been very patient.

Mr. **EDWARDS**. Thank you, Mr. Hyde.

I share the concern that the FBI has with regard to having individuals being able to get in touch with their local FBI office, especially the offices that have only one person in them. They are closed a great deal of the time because the one agent is out on the road.

You are talking about hundreds of offices, as I recall.

Mr. **KIER BOYD**. Over 400.

Mr. **EDWARDS**. Also, the fact that the NCIC was designed, financed by Congress after due consideration and study, and was designed to be a criminal justice system to catch criminals, convict them, find stolen property, et cetera.

I think in 1975, with respect to the missing persons file, this subcommittee had serious reservations that we have not completely eliminated because the more information which is compiled that doesn't really have much to do with catching criminals, or recovering stolen property, may unduly complicate the system and perhaps won't work as well as it was intended.

So although I share Mr. Hyde's view and I am sure the entire subcommittee shares the view that this is an important problem that must be addressed, I am certainly not yet convinced that this is the proper approach. Also, it shows a lack of faith in local and State police.

All of us on the subcommittee share the view that the first place to go when a crime has been committed is to the local police. They are the neighbors, the people that are supposed to look after local crime, to locate missing people, and to help their neighborhood people.

That is something that we will look at down the road.

Adam Walsh's name was put into the NCIC files as a missing person, is that correct?

Mr. **NEMECEK**. It is my understanding it was.

Mr. **EDWARDS**. I do not know how soon after he disappeared. Does anybody know that? We don't know. His name did get into the missing persons file. So I guess you can say that you have a sort of missing children's file right now, isn't that correct?

Mr. **KIER BOYD**. Yes.

Mr. **EDWARDS**. But do you think it should be refined somewhere along the lines of this legislation, or at least the purpose of what this legislation has in mind?

For example, if a missing child's body is found and is in a morgue somewhere, the NCIC won't be of very much help because the coroner is not going to phone the FBI, is that correct?

Mr. **KIER BOYD**. He probably would not. It is available if he wishes to.

Mr. **EDWARDS**. Do coroners phone in the descriptions and identities? I suppose a lot of times they don't know. If they do know who the dead person is, there is no problem. But one coroner testified before this subcommittee at our last hearing—what was it?—12 dead bodies in the morgue with no identification.

Does the coroner get in touch with you about these 12 dead bodies?

Mr. **Nemecek**. No, Congressman.

The normal process would be to provide that data to the local investigating agency that has jurisdiction for the particular crime, if there is a crime involved, and the inquiry or request for an NCIC off-line search that Mr. Boyd described would be conducted through a law enforcement agency; that procedure being that we would be given a general descriptive data of the body and would make a complete search of all records in the missing persons file and the wanted person file and then provide records of all individuals meeting that general descriptive data. Those records would be the sources of investigative leads to attempt to identify the body.

Mr. **Edwards**. How many hits a day are made on an average in the missing persons file? You have 26,000 names, there are something like a quarter of them, 25,000 names in there right now as of today.

Mr. **Nemecek**. Yes, sir.

Mr. **Edwards**. On a Monday or Tuesday, how many hits will be made in cases where the person has been found and the name should be removed?

Mr. **Nemecek**. Well, on a monthly basis, the total number of individuals in the file would turn over approximately 50 percent including individuals who return home voluntarily. We are talking about on a daily basis people located, found, or returned of approximately 500. Of those actually located by police effort, we are probably talking about something less than 100 a day I would suspect.

Mr. **Edwards**. What would this legislation do that is to change the missing persons file and what would it do that is different from current procedures?

Mr. **Nemecek**. The bill is really a two-part bill. One is to provide authority to the Attorney General to collect, classify, preserve, and disseminate information concerning missing individuals and four specific criteria of individuals are listed in the bill. The Simon's bill is identical with the missing persons file that is now in existence at this time; so it does not either expand or eliminate the individuals that could be entered in the file nor does it change the voluntary nature of the entry of records in the file. Other than the portion about having the parents come to the FBI to enter records into the system, there is no difference.

The other portion would be to create an unidentified dead file, and that is really to approach this off-line process that we go through from the opposite end of the spectrum. Rather than letting a law enforcement officer, when he discovers a body, provide the descriptive data for a search of our records to see if we have any missing or wanted person records for the individual, the bill would permit the officer to provide the data to us and we would hold descriptive data and other identifying data regarding the unidentified individual in anticipation of some future inquiry against that particular data base of records. So we are, to an extent, presuming the body will be found prior to the missing person report or the wanted person report being made.

Mr. **Edwards**. Does it sound like a good idea to you that when a coroner has a dead body that is unidentified that the information be reported to the local police with a suggestion that it be put into the NCIC system?

Mr. **Nemecek**. I think it is rather hard to say it is not a good idea, Congressman. I think most of our questions have been more in terms of the magnitude of the problem and the means of solving the problem itself—whether it requires computerization, does it require an online system like NCIC that provides a response in an average of three seconds, or should we set up a file cabinet in some agency; should it be a Federal agency, a National Association of Pathologists, or Health and Human Services Departments.

One primary, more difficult question is the lack of standardization of identification data. We have a rather large first step to take in getting some standardization in the way that bodies are identified.

As Mr. Kier mentioned, the dental charting varies. Also there are a number of other ways to identify these bodies. In most cases, it appears this data is not collected. For example, unique sinus cavity identification or bone break identification, and a number of other scientific ways that body can be identified.

Much of this data is lost if it is not collected at the scene of the crime. So these are the type of questions we were attempting to address first in our pilot project; collect the data, determine the best means to effect these identifications, and so forth.

Mr. **Edwards**. Any further questions? Counsel?

Mr. Tucevich?

Mr. **Tucevich**. Thank you, Mr. Chairman.

With respect to your testimony, I detect an undercurrent of pessimism as to whether or not this bill will actually accomplish anything; is that basically what I am hearing?

Mr. **Kier Boyd**. I would say uncertainty rather than pessimism.

The missing children's portion you would have essentially what you have now. The problem is really the underutilization of the system as opposed to any problem of the system itself.

The unidentified dead, we just don't have enough data at this point to really give a definitive answer on it.

Mr. **Tucevich**. When you refer to underutilization, are you speaking of NCIC users?

Mr. **Kier Boyd**. Speaking of the missing persons file and its use by criminal justice agencies.

I believe you are mentioning now the 150,000 children, yet we probably see about 100,000 to 105,000 of these entered into the system.

It seems to me all children should be entered into the system. So there is a problem there of utilization of something which already exists.

Mr. **Tucevich**. In terms of utilization, are you saying that State and local police agencies either are not equipped or not motivated or simply are not making adequate use of existing facilities; is that your position?

Mr. **Kier Boyd**. They are not making full use. They are making quite a bit of use but I think it could be better.

Mr. **Tucevich**. What efforts are you making to rectify that situation?

Mr. **Kier Boyd**. The Law Enforcement Bulletin article, we hope, will publicize the file's use to local people and assist our police training programs. The Director's SAC memorandum will remind our people of the file.

So we have looked at this around last April and tried those things and felt that was what we could do; we didn't see anything beyond that.

Mr. **Tucevich**. If this legislation were to pass, in your opinion, do you think that what is proposed in this legislation would enable State and local police to find missing children as opposed to simply identifying a child once he is already located?

Mr. **Kier Boyd**. The primary thrust would be identifying him once he is located. This is simply a data base which can be used. The raising of the level of awareness is something this hearing itself will have some effect on. What lasting effect, I don't know.

Mr. **Tucevich**. I suspect the real problem seems to be that a lot of frantic parents for whatever reason are not getting much assistance in terms of locating their children. Do you propose anything as an alternative in order to help rectify that problem, to help actually locate the child as opposed to simply identifying a child once found?

Mr. **Kier Boyd**. No; that would appear to me to be a matter of local law enforcement or whatever machinery exists in a missing persons bureau, which, again, is a State and local matter.

Mr. **Tucevich**. What would you project the cost of this legislation to be if implemented?

Mr. **Kier Boyd**. The initial cost per an unidentified dead file would be $48,000 and 2 workyears and then the recurring costs, $285,000 a year and 4 workyears.

Mr. **Tucevich**. In terms of the jurisdiction question, the kidnaping, I believe you indicated that after the 24 hours had elapsed you needed some kind of indication—"the screeching car" I believe was mentioned earlier—that there had been an abduction. Was that essentially your testimony?

Mr. **Dennis**. That is true. Normally what we do is put an agent in contact with the local law enforcement if a missing child is reported to ascertain what is going on, whether there is a possible violation of the statute.

Mr. **Tucevich**. Is that true every time a missing child is reported—you will put an FBI agent in liaison?

Mr. **Dennis**. That is not true in every case; no.

Mr. **Tucevich**. What is the standard you use to distinguish between those cases?

Mr. **Dennis**. Each case is different. They are just so different as to what the circumstances are of the child reported missing that it is impossible to make any across-the-board generalizations as to what will occur.

If I get a call at headquarters I generally encourage whoever calls me, the supervisor, to put an agent with the local law enforcement entity to ascertain what is going on so they can make a judgment as to whether or not we should investigate possible violation of a statute.

Mr. **Tucevich**. It is true, isn't it, that most police authorities agree that the first 24 hours are absolutely crucial in terms of locating a missing child if abducted?

Mr. **Dennis**. That's correct. That is why we would encourage an agent being present. If we have the full-blown kidnaping case, we normally will not wait 24 hours if we feel we are going to be taking it over. It is almost impossible to play catchup after the 24 hours.

Mr. **Tucevich**. I suppose an abduction of a child is significantly different than an abduction of an adult. For example, the motivation in taking a child is apt to be different. There is little likelihood that there will be a ransom note since someone who is abducting a child may do so for several reasons, for example, it could be for the purpose of molestation, or because they want a child of their own and can't have one. In that case you are not likely to get any evidence of that abduction; isn't that true?

Mr. **Dennis**. Depending on the circumstances as to how it occurred. I remember I got a call about 2 years ago wherein a child was approached by a man in a car. That was it. And there was no demand. They called and said they were planning on investigating the case because at least there had been that evidence she had been contacted by an adult male.

I said, "No problem, go ahead, investigate the case." That sort of thing happen on a regular basis.

Mr. **Tucevich**. I have no further questions. Thank you, Mr. Chairman.

Mr. **Edwards**. Mr. Boyd?

Mr. **Tom Boyd**. Thank you. Mr. Nemecek, with regard to the pilot program in Colorado, that is a nationwide program, is it not?

Mr. **Nemecek**. Yes, sir.

Mr. **Tom Boyd**. To what extent is it being utilized by other States?

Mr. **Nemecek**. At this time it is my understanding that there are dead bodies from 42 States, approximately 400 unidentified dead bodies in the file and as Kier Boyd mentioned earlier, the most recent monthly statistic was that there were 14 deceased body data records established during a month and 6 inquiries were made of the file.

Mr. **Tom Boyd**. Is it your view that one of the problems with the underutilization of the missing children file presently extant in the Bureau is undereducation in local law enforcement?

Mr. **Nemecek**. That is only one of several reasons, I would say.

Mr. **Tom Boyd**. Would you care to list some of the other reasons for us?

Mr. **Nemecek**. I think resource requirements of the State and local agencies, certain presumptions that have been made in terms of "most runaways return" may lead to certain built-in 24-hour, 48-hour waiting timeframes, and the possible misunderstanding in terms of must there be positive evidence that a child had been taken interstate before you can utilize a system such as NCIC.

I would characterize it more in terms of priorities and resources, however.

Mr. **Tom Boyd**. Do you agree that those priorities are legitimate?

Mr. **Nemecek**. I am not in a position to say, Mr. Boyd.

Mr. **Tom Boyd.** Is it your view that most children who run away do return?

Mr. **Nemecek.** Again, I don't really have any experience in that area. I am told that is the case, though.

Mr. **Tom Boyd.** Next week you will be having a conference in Tampa, Fla.; is that correct?

Mr. **Nemecek.** That's correct.

Mr. **Tom Boyd.** And that State, as a result of the Walsh incident, is particularly sensitive to the problem of missing children?

Mr. **Nemecek.** Yes, sir.

Mr. **Tom Boyd.** Do you anticipate any particular activity being scheduled for next week for the purpose of educating local law enforcement officers to the availability of the Bureau's missing children's file?

Mr. **Nemecek.** Yes; it will be the subject of discussion. It was a recent subject of discussion at the NCIC regional meetings held in October and a natural flow of that information is to the NCIC Advisory Policy Board to address what additional action can be taken in terms of education, modification to the current NCIC missing persons file, and of equal importance, the representative from Colorado will be providing a status report on the progress of the pilots unidentified dead file and anything that might have been learned to date.

Mr. **Tom Boyd.** Let me shift your attention to S. 1701, the Hawkins bill, which Senator Hawkins has used to address the missing children question. The missing persons problem is different, obviously, from the language she first used in her initial bill and different from the language in H.R. 3781 introduced by Mr. Simon on June 3.

My understanding is that the language in S. 1701, subparagraph 3 on page 2, is consistent with your views; is that correct?

Mr. **Kier Boyd.** Yes. We would add to these categories, "but not limited to." These have pretty well stood the test of time, but we don't know whether down the road there may be something else we prefer to change. With this wording we will be able to move on it faster.

Mr. **Tom Boyd.** Beyond that you have no objection to the language in that proposed paragraph; is that correct?

Mr. **Kier Boyd.** No objection.

Mr. **Tom Boyd.** Thank you. No further questions.

Mr. **Edwards.** Do you have any idea how the system that exists, which is a system now for missing children, could be improved so that as to meet the need that apparently and obviously there is in the country?

Mr. **Kier Boyd.** From our perspective the main thing that we can do at this point is try and make people aware of the facility available. As far as the ability to find missing children, that is really out of my ball park. That would be investigative effectiveness, which I am not prepared to address.

Mr. **Edwards.** That's correct. The number of agents in the FBI is not half that of the city of Los Angeles Police Department, I am sure. Certainly not a fifth of New York's or something like that. And they are spread pretty thin across the country and you may have to give up a certain amount of the important work that you do now because of the restrictions and the budgetary problems that all the Federal agencies are facing. I understand that.

But there certainly should be something, some data bank on a national scale with regard to dead bodies; don't you agree?

Mr. **Kier Boyd**. Yes. We have it in a form now with the pilot in Colorado. They would be looking at the activity against that on a nationwide basis. At the moment there is a vehicle for any State utilizing this service for an unidentified dead.

Mr. **Edwards**. Yes.

Mr. Hyde asked a good question. Is the experimental program in Colorado supported by Federal funds?

Mr. **Nemecek**. No, it is not. Strictly State funds.

Mr. **Hyde**. They are doing all this without Federal money?

Mr. **Nemecek**. The State representative just offered, since this has been the question before the APB many times, to make the file national.

Mr. **Hyde**. That augers well for your being able to undertake that responsibility without substantial additional money.

Mr. **Nemecek**. The only qualification I would make is that we would probably add additional identifying data to the file that is not available in Colorado at the time.

For example, there is no attempt made to maintain X-rays on file, disseminate photographs, a number of other areas. The file is primarily relying on dental charting and general descriptive data.

Mr. **Hyde**. The way you would handle it would cost more because it would be more comprehensive?

Mr. **Nemecek**. We think we need more data in the file. If we are going to attempt to utilize this file to identify people, we want to maximize its effectiveness as much as possible consistent with the resources we have.

Mr. **Edwards**. Who sends the information into the file in Colorado?

Mr. **Nemecek**. It is sent from a law enforcement agency directly.

Mr. **Edwards**. Not by coroners?

Mr. **Nemecek**. No; usually the coroner is working on behalf of the law enforcement agency and as the agency with the primary investigative responsibility they would provide the data and forward it to the Colorado file.

Mr. **Edwards**. How many names are in there now?

Mr. **Nemecek**. It is my understanding there are about 400 in there now.

Mr. **Edwards**. For 50 States, that is not very many.

Mr. **Nemecek**. No, sir. I attempted to find what was the oldest body and a breakdown on how long some of the bodies had been unidentified, but I was unable to obtain that data at this early moment.

Mr. **Edwards**. Does Colorado put that information into the NCIC?

Mr. **Nemecek**. They do not. They ask NCIC to conduct the off-line search we mentioned earlier as far as providing investigative needs.

Mr. **Edwards**. I think we have to remember that we are dealing with a data bank. We are not magically pushing a button and finding people. What we are trying to do is improve the data process, the data collecting process, and the dissemination so that not only the FBI will be of more assistance but primarily local police.

If children are going to be found, they are going to be found primarily by local police and, of course, interested private citizens. Isn't that correct?

Mr. **Nemecek**. Most certainly, Congressman.

NCIC is a means of dissemination of information, not an investigative solution per se.

Mr. **Edwards**. And NCIC information is only available to law enforcement officers?

Mr. **Nemecek**. Yes, sir.

Mr. **Edwards**. Agencies?

Mr. **Nemecek**. Yes, sir.

Mr. **Edwards**. Thank you very much, Mr. Nemecek, Mr. Boyd, and Mr. Dennis.

Mr. **Kier Boyd**. Thank you very much, Mr. Chairman.

Mr. **Edwards**. Now we are pleased to welcome the representatives of Child Advocacy, Inc. The executive director is Mr. Denny Abbott and Dr. John McClure is the evaluation specialist of Child Advocacy, Inc., from Fort Lauderdale, Fla.

We welcome both of you gentlemen. Without objection, your statement will be made a part of the record. You may proceed.

[The prepared statements of Mr. Abbott and Dr. McClure follow:]

Abbott
mc Clure

child advocacy, inc.
Mercede Executive Park • Park View Center Building • Suite 306
1876 N University Dr. • Ft. Lauderdale, FL 33322 • (305) 475-4847

STATEMENT OF DENNY ABBOTT AND JOHN C. McCLURE, Ph.D.

Mister Chairman:

My name is Denny Abbott. I am the Executive Director of Child Advocacy, Inc. in Fort Lauderdale, Florida. Child Advocacy is a non-profit corporation dedicated to improving systems and services for children. We have been operating in Broward County, Florida since 1973. We are currently funded through a grant from the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice. We are here today in support of HB 3781. Dr. McClure of our staff will explain to you a program we have established in our own county to identify missing children.

Because I am an advocate for children, my initial request is an appeal to your emotion. I would ask you to put yourself in the place of a parent whose child is missing. I know you have heard from John and Reve Walsh of my community, whose six year old son, Adam, was brutally murdered. Can any of us begin to comprehend the feeling of helplessness and despair? Beyond that, what must go through the minds of the 50,000 children who are annually abducted, raped and murdered? Who is willing to help these children and families? I hope you will take the first major step by passing the Missing Children Act.

But I know that legislation cannot be enacted based solely upon feelings. What are the facts? We at Child Advocacy have been concerned about the problem of missing and runaway children for several years. We live in a community which has a tremendous runaway population because of the allure of Fort Lauderdale and surrounding areas. Estimates range as high as 5,000 runaways per year in our county.

In March of 1979 we sponsored two days of public hearings on the runaway problem (see attachment A). We researched the problem thoroughly and heard testimony from kids on the streets, parents, and youth workers. We dispelled many myths and provided new information about the problem:

1) Most kids do not run away seeking adventure and excitement, particularly first timers.
2) Kids leave homes of intolerable physical, sexual and emotional abuse.
3) Kids are "thrown away" by parents, with some children as young as twelve years old being locked out of their own homes.
4) Kids on the street learn to survive by means of prostitution (approximately one-half of child prostitutes in our area are male prostitutes), drug dealing and petty thefts.
5) It costs the taxpayer about seven times as much to do nothing as opposed to providing services. Our study found that about one-quarter of kids on the street formally enter the juvenile justice system at an average cost of $11,000 per child. In Florida, our juvenile justice system costs about $55 million per year.

These children need to be identified and returned to their home communities where their problems can be addressed. The majority of these children and families could be helped to preserve the integrity of the family. I have never seen one child get better or improve his/her station in life by being on the streets. Law enforcement officials must have help in identifying children.

Let us put the costs and gains on a scale and weigh them as best we can.

COSTS

1) Additional manhours to input and access data on missing children into a national computer.
2) Minimal additional dollars for computer hardware to store information.

GAINS

1) Collection of the most accurate data yet on the scope of the problem.
2) Help law enforcement officials throughout the country to identify children. I believe a national clearinghouse of information would result in more aggressive police work in finding children who need their help.
3) Peace of mind for the parents of missing children by knowing that if their child is found in another community, they can be notified.
4) Actual identification and return of thousands of missing children to their families.
5) An incredible saving of tax dollars by preventing the victimization of children by the criminal element who prey on vulnerable children.

I believe the scales tip strongly toward the passage of this bill.

This country has endorsed ten basic rights of children as declared by the United Nations in celebration of the International Year of the Child in 1979. They are:

1) The right to affection, love and understanding.
2) The right to adequate nutrition and medical care.
3) The right to free education.
4) The right to full opportunity for play and recreation.
5) The right to a name and nationality.
6) The right to special care, if handicapped.
7) The right to be among the first to receive relief in times of disaster.
8) The right to be a useful member of society and to develop individual abilities.
9) The right to be brought up in a spirit of peace and universal brotherhood.
10) The right to enjoy these rights, regardless of race, color, sex, religion, national or social origin.

Missing children enjoy none of these rights.

Children are the most voiceless, powerless, and vulnerable group in our society today. We must act on their behalf.

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Mister Chairman:

My name is Dr. John McClure and I am a clinical and forensic psychologist on the staff of Child Advocacy, Inc. My role in this program has been to assemble the necessary computer hardware and software, train our personnel in its use, and to work out the details of the program with local law enforcement.

At present, over 7,000 runaways are picked up by Florida law enforcement officers annually. This is out of an estimated 50,000 children who run away or disappear each year in the State of Florida. Broward County, with its beaches and the Fort Lauderdale "Strip," has been identified as a mecca for runaways and the exploitation they suffer has been well documented in a recent state university study. However, only 126 runaways were detained by Broward County law enforcement officers last year! This has been attributed, at least partly, to the helplessness that officers feel over their inability to accurately identify children who have run away from home.

Although a child reported as missing or having run away is entered in National Crime Information Center (NCIC) records upon being reported to local police, an officer seeking to identify a suspected runaway must furnish the child's name, race, sex, and date of birth in order to access NCIC. If the child for whatever reasons - fear, coercion, or subterfuge - gives an assumed name, or no name, the officer cannot accurately identify the child by using this tremendous national data bank. Unless there is probable cause to believe the child has committed a crime, he or she must then be released. Or, consider the all too frequent case of the unidentified body of a child being found. Identification is rarely found on the body and families often must wait for days, weeks, or even months before forensic medical experts can allay or confirm their worst fears.

Our program seeks to close the gaps in the current system by providing Broward County law enforcement agencies with 24 hour access to a local data bank which does not require previous positive identification of the subject.

The Chiefs of Police of the nearly 30 municipalities in Broward County unanimously voted on November 5, 1981 to support and participate in this program (see attachment B). On November 16th, a draft memorandum of agreement was negotiated with the Sheriff of Broward County as to the procedures to be followed by the participating parties (see attachment C). Attachment D is a flowchart representing the flow of information to and from our computer. The Chiefs have agreed that all reports of missing and runaway children filed with their agencies will be transmitted to the Juvenile Task Force of the Broward Sheriff's Office. The Task Force officers will then transmit the reports to Child Advocacy, Inc. where they will be entered into our computerized file. Requests for information from patrolmen will be channelled through the Sheriff's Office which will have 24 hour access via a terminal to be installed in their Communications Office. Statistical reports on entries and requests for information will be provided to the participating law enforcement agencies by Child

Advocacy, Inc.

This system is designed to enhance, not replace, current procedures. It does, however, greatly increase the amount of information available to the officer on the street, while simplifying his access to the information. Whereas entry to NCIC currently requires name, race, sex, and date of birth, this system can search simultaneously on up to seven descriptors and then provide the officer with the information needed for a positive identification. For instance, an obviously underage child on the streets at 3 AM might refuse to give a name or show identification to a policeman. The officer can radio a description to his dispatcher and within minutes learn if the brown-haired, brown-eyed, white male who is approximately five feet, five inches tall, who weighs in the neighborhood of 120 pounds, and has a two inch scar on his left wrist has been reported as missing or runaway.

This powerful adjunctive system being made available to the law enforcement agencies of Broward County, Florida has at its core a microcomputer system which costs less than 3,500.00. The software which provides more sophisticated access than is currently available with the National Crime Information Center sells over-the-counter for $150.00. This program will handle 1,000 records at a time, and even more with inexpensive modification.

The most expensive component of this program is the work it will take to make it an effective tool. Every law enforcement agency in our county has pledged to perform the extra work involved to pass reports of missing and runaway children on to the Sheriff. The Sheriff's Communications staff has volunteered to man the terminal that will provide 24 hour access to the system. The Sheriff's Juvenile Task Force, a group of veteran and dedicated officers, has already begun the task of preparing hundreds of cases for entry into the computer. We estimate that the system can be operated and maintained by the equivalent of one full-time data-processing operator.

This system will not find one child. The law enforcement officer on the street will do that. The system will allow him to accurately and quickly identify children reported as missing or runaway. We submit that it may also serve as a pilot project for the national system we hope you will enact.

attachment A

the advocate

a publication by Child Advocacy, Inc.

1000 N.E. 20 STREET, SUITE 200
FORT LAUDERDALE, FLORIDA 33305
561-2001

A FORUM FOR YOUTH-RELATED ISSUES

Vol. 3 No. 1
March, 1979

PUBLIC HEARINGS HELD ABOUT RUNAWAYS

Fort Lauderdale is a mecca for runaways. There are an estimated 1,500 cases in Broward each year; the actual number may be three times higher. Approximately 60-70% are local children, often running from an intolerable home situation.

In 1975, the Florida Legislature removed the status offender from the delinquent category, so runaways can no longer be housed in the detention center. However, the Legislature neglected to provide adequate funds to care for these children as dependents, although Florida Statutes mandate shelter care for the protection of children at risk.

A study conducted in 1977 by Dr. Norman Kent, Assistant Professor of Criminal Justice at Florida Atlantic University showed that the majority of runaways turn to street hustling and prostitution for basic survival. They have no other means to support themselves and obtain even the most basic necessities of food and shelter. The result is a modern tragedy.

KIDS TELL IT LIKE IT IS. . .

Denny Abbott questions runaways about their experiences.

Legislators hear public appeal for dependency shelter.

An overflow crowd of spectators attended a special two-day public hearing on March 13th and 14th in the juvenile courtroom of the Broward County Courthouse. Sponsored by Child Advocacy, Inc., the Broward Youth Services Development Council, and Juvenile Court Judges Alcee Hastings and Lawrence Korda in observance of the International Year of the Child, the goal of the hearings was to gather public and legislative support for a residential shelter for runaways and other dependent adolescents in Broward.

Runaways talk about life on the street.

(continued on Page 2)

ATTACHMENT A
Public Hearings — Continued

Professionals, politicians, celebrities, parents and children all stressed the need for a shelter to be available for these runaways, many of whom are running from an intolerable home life. The first of the hearings began with an introduction by Judge Hastings and a keynote address by Earl Morall of the University of Miami's coaching staff.

Dr. Norman Kent next spoke on his study of juvenile male prostitution on the "strip" along A1A. "In order to survive on the streets, young runaways must rapidly become streetwise and sophisticated," Kent said. "... and in Fort Lauderdale that means one of three things: hustle your body, hustle somebody else, or hustle drugs." Kent stated that young prostitutes are almost certain to become victims of sexual abuse or violence. Many runaways are "throwaways," according to Kent. "I have found that most runaways come from broken, shattered homes, have poor self-images, and are hungry for attention and affection ... thus, the runaway is ripe for exploitation."

"It was very depressing. I felt I was downgrading myself, but I had to survive. I had to eat."
—Alan, a 17-year-old male prostitute

Carmel Cafiero, WCKT T.V. newscaster, followed with a film of her television news documentary filmed last year about juvenile prostitution along the Fort Lauderdale beaches.

Parents testified that authorities were unable to provide help when their children ran away. They also spoke of the frustration and despair they endured while trying to find help. Children themselves then testified about their experiences as runaways—how the "glamour" of the "strip" was, in reality, a horror tale of rape, violence and degrading prostitution. The children testified about sleeping on beaches, in cars, parks, and backyards. On many occasions food was stolen for survival.

"Just to have someone out there to help me. I don't remember anyone who would have helped me when I needed it. If I'd had a place to stay."
—Karen, led into prostitution at age 15 after running away, who told of a night in a beach hotel when 2 men kicked and beat her, then tried to drown her in a toilet.

On the second day of the hearings, Juvenile Court Judge Lawrence Korda, Broward Sheriff Robert Butterworth, and Fort Lauderdale Police Department Officers Diana Cipriani and Stephen Raabe told how the revised law prevents these children from coming into contact with the juvenile justice system until, ironically, they commit an actual crime.

The most emotional moments came unexpectedly when a mother in the audience ran to the front of the courtroom and tearfully begged the legislators to help. Her child had run away and was still missing. Another mother stood and said her child was also missing.

The session ended by focusing on solutions to the Broward runaway problem. Tom Davis, of the Florida Network of Youth and Family Services, Inc., spoke on the success of existing shelters in Florida: 70% of the children are returned to their homes and another 15% are placed in alternative living situations. Rev. Andrew Parker of Specialized Urban Ministries advised that the cost of a shelter would be $21-a-day per child, compared to $35-a-day for juvenile detention or $55-a-day for inmates in the prison system. Formal processing of a child through the juvenile justice system costs hundreds of dollars, with institutionalization costing thousands.

"I need help and nobody will help me! ... My daughter's an honor student, but she's run away. I don't know the reason. ... I spend every cent I have on gasoline, driving around, looking for her. ... They (the police and other agencies) won't pick her up. They say there's nothing they can do. Nobody will help me."
—unsolicited testimony of a mother

Denny Abbott, Executive Director of Child Advocacy, Inc., gave a presentation of corrective action and unveiled plans for a dependency shelter. The proposed shelter will be a 24-hour crisis intervention center to provide an alternative to the street lifestyle. In addition to basic food, social, and medical services, a professional staff will help children understand their behavior, attitudes, and feelings about themselves and their families. Whether the child returns home to strengthen his family relationships, or must find an alternative living situation, professionals will guide the child to make decisions concerning his immediate future.

In a final appeal to the legislators, Judge Hastings closed the session with a presentation of supporting resolutions by area organizations, including the Broward County Commission, League of Women Voters, Broward Bar Association, and the Broward Chiefs of Police Association.

Rep. Harold Dyer, Chairman of the Broward Legislative Delegation, will sponsor two bills in this year's session in Tallahassee: one will be for operating expenses and the other for construction costs.

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ATTACHMENT B

MISSING CHILDREN: A PROPOSAL BY CHILD ADVOCACY, INC.
PRESENTED TO THE BROWARD COUNTY CHIEFS OF POLICE ASSOCIATION
NOVEMBER 5, 1981

Child Advocacy is seeking the support of the Chiefs of Police Association for our proposal to establish a computerized information system on missing children in Broward County.

Each year in the United States approximately two million children disappear. Of these:

1,850,000 are runaways
100,000 are taken by a parent
50,000 simply disappear - victims of foul play

Federal legislation is pending which would provide for a national computerized clearinghouse on missing children and unidentified bodies. Here in Broward County, Child Advocacy now has the computer capability to store data on missing children. The following system is proposed for Broward County law enforcement:

- All municipal law enforcement agencies would channel their information on missing children and/or runaways through the Broward Sheriff's Office.
- BSO would forward such information to Child Advocacy first via telephone, then with follow-up copies of incident reports.
- A monthly report of cases entered will be provided to BSO.
- All law enforcement agencies will channel requests for information on missing and/or runaway children to BSO who will contact Child Advocacy.
- Child Advocacy will access the computer and provide BSO with information by phone and with follow-up computer printouts (24 hour access can be available through a computer terminal located at BSO).

BSO estimates that an average of 100 new names would need to be added monthly. A system for purging the computer files of resolved cases would be developed.

Our intent is to establish a mechanism in this county to help locate missing children. We offer this system to assist law enforcement in this ominous task. We seek your support on behalf of the children.

ROBERT A. BUTTERWORTH
SHERIFF
BROWARD COUNTY
P.O. BOX [illegible]
FORT LAUDERDALE, FLORIDA 33310

DATE: November 16, 1981 ATTACHMENT C

MEMO TO: Listed Distribution

FROM: Robert A. Castille, Administrative Assistant

SUBJECT: Memorandum of Agreement

As a result of the meeting held on Thursday, November 12, 1981, between representatives of Child Advocacy, Incorporated, and the Broward Sheriff's Office, the following draft agreement will be in place.

A. Child Advocacy, Incorporated will serve as an automated records storehouse for all data on runaway/missing children as currently reported in Broward County.

B. Child Advocacy, Incorporated will operate the proposed automated system as an adjunct to the information now contained in the FCIC/NCIC network in the method described at the Broward Association of Chiefs of Police and as described in their October 27, 1981 memorandum on the same subject.

C. The Broward Sheriff's Office will act as both a coordinating agency for the input of data into the system for all Broward County law enforcement agencies and as a primary participant with the entry of all their missing/runaway case related information. The Sheriff's Office will both formally and informally encourage total participation in the system.

D. Data entered into and removed from the system will be forwarded to Child Advocacy, Incorporated, Monday through Friday, 9:00 a.m. to 5:00 p.m., via telephone from the Broward Sheriff's Office, with supplemental hardcopy information being forwarded via mail for verification purposes.

E. Inquiries into the system by all agencies will be made via the telephone to Child Advocacy, Incorporated, Monday through Friday, 9:00 a.m. to 5:00 p.m., and at all other times, through the Communications Division of the Broward Sheriff's Office, via radio or telephone (contingent upon terminal access to the system from the Communications Division Office).

F. All hardware costs will currently be absorbed by Child Advocacy, Incorporated, except for the additions of a video display terminal linkage between Child Advocacy, Incorporated, and the Broward Sheriff's Office Communications Division. Funding sources for the addition of this terminal and required modems, as well as programming costs, are to be worked out under a mutually agreeable format.

G. Validation, auditing and purging of records will be primarily the responsibility of Child Advocacy, Incorporated, with assistance from the Broward Sheriff's Office whenever possible.

H. Upon mutual agreement of all the conditions outlined, the Broward Sheriff's Office will issue and Administrative Order directing the procedure to be utilized by Broward Sheriff's Office personnel in the implementation and utilization of the system.

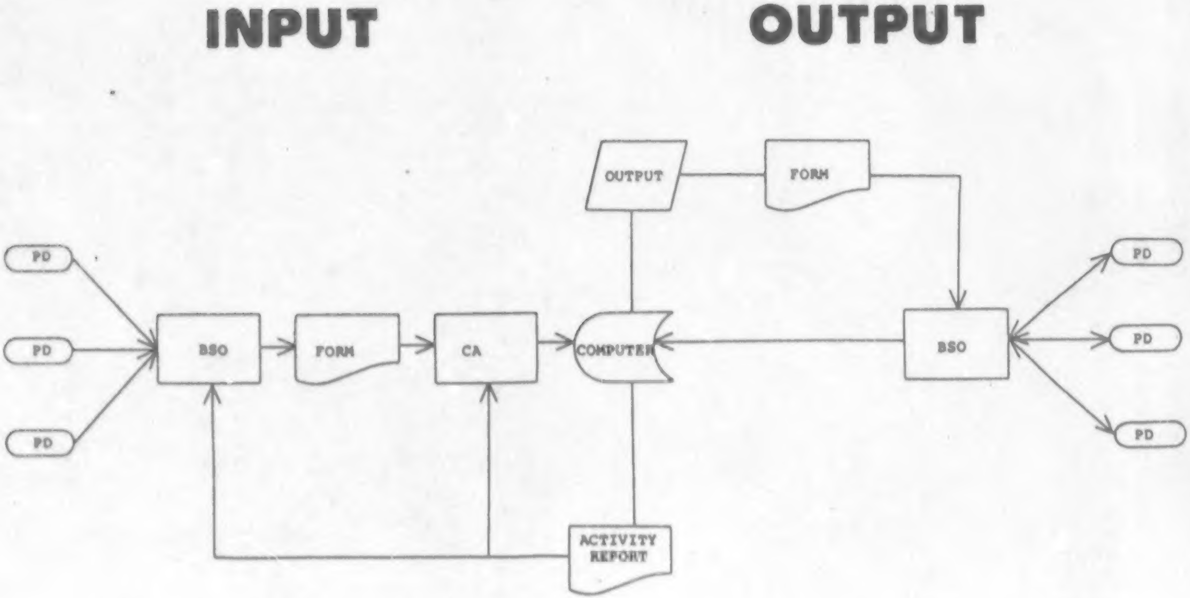
This Memorandum of Agreement is currently a draft and is to be reviewed for acceptance or amendment on Monday, November 23, 1981.

RAC/mk
cc: Distribution

PROPOSED DATA FLOW FOR RUNAWAY/MISSING CHILDREN PROJECT

CHILD ADVOCACY, INC./EVALUATION DEPARTMENT

ATTACHMENT D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ACTIVITY REPORT

TESTIMONY OF DENNY ABBOTT AND JOHN McCLURE, CHILD ADVOCACY, INC., FORT LAUDERDALE, FLA.

Mr. ABBOTT. Thank you. I am the executive director of Child Advocacy, Inc. in Broward County, Fla. We are a nonprofit corporation whose full purpose is to improve the systems and services for children in our county. We are currently funded through a grant from the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

I would like to make a few statements about the problem as I see it from a philosophical point of view, I suppose, and then Dr. McClure will describe to you a system that we have just proposed in our county in excess of a million people to do the kind of thing that these two bills are talking about.

I think because I am an advocate for children my first instinct is to be somewhat emotional when asking for improved services for children.

I know that I have discussed many times with John Walsh the tragedy of his son Adam, who lived in our county, and each time I talk to him and talk to other parents of missing children I find it very difficult to comprehend the helplessness that they must feel as they are trying to locate their children.

They really have no place to go and we have heard many reports of law enforcement telling parents who wish to report a missing child that there is really not a lot we can do, and they are given little if any treatment at all.

I think one of the problems is because law enforcement has been hamstrung in this area to help identify missing children.

In addition to what the parents must feel as a child is gone from home for 2 weeks or months or sometimes years, I sometimes wonder what is going through the minds of those children on the streets who are the victims of sexual molesters and being used for other purposes.

The young children—to me, again, it is almost incomprehensible for me to really be able to understand that.

Most of the law enforcement people that we talked to make a distinction between missing and runaway children and apparently the distinction is made based on age. If the child is under 10 or 12 years of age he is considered to be a missing child, but if he is over 10 or 12, based on the circumstances, he is generally considered to be a runaway. Not much effort is made to locate those children.

I would like to share some facts with you. I think we have a good data base from which to speak. Fort Lauderdale, some people have called it the runaway capital of the country. If it is not, I assure you it is right at the top of the list. We have many children coming into our area because of the beaches and the popularity of coming down to Fort Lauderdale.

We estimate that in our county alone yearly there are in excess of 5,000 runaway missing children on our streets.

Back in 1979, Child Advocacy sponsored 2 days of public hearings on the runaway problem. We did a great deal of research at that time. We talked to law enforcement, we talked to children who were on runaway status, dozens and sometimes I think it seemed like it stretched into the hundreds. We talked to parents, we talked to professional youth workers, and we put on 2 days of public hearings for the benefit of our local legislative delegation and we did that to dispel myths about runaways that many of them had.

One of the impressions is that kids leave home because it is a Huckleberry Finn kind of thing to do, looking for adventure and excitement out in the world. The fact is most children who leave home leave home because of intolerable physical, sexual, and emotional abuse.

Many youngsters, particularly the ones that are 12 and 13, have literally been thrown away by their parents, have been locked out of their homes and told quite clearly, "I never want to see you again and you have no home here."

Kids on the street have to learn to survive and I will tell you how they survive in Broward County, Fla. They survive by becoming child prostitutes. One-half of the juvenile prostitutes in our community are male prostitutes. They become involved in drug dealing and petty thievery in order to survive.

We had youngsters who came and said: "I had never broken the law before in my life. I didn't know where to go. I learned to go to the grocery store and steal food because I had to."

We have kids sleeping on the beaches and on canals and mangrove areas.

We took a look at the cost factors involved in the problem. We concluded that it costs the taxpayers seven times as much to leave a child on the streets and do nothing and make no attempt to provide services or to get that youngster returned to his home community as it would cost to provide effective services of some kind.

We also found that one-quarter of all the youngsters on the streets in Broward County, Fla. will formally enter the juvenile justice system in Florida as a delinquent child, being arrested for violation of criminal law.

In the State of Florida, once a youngster enters the juvenile justice system, it costs about $12,000 per child to handle that child just through the juvenile justice system. That does not take into acount if he goes on and gets involved in the adult criminal system.

Florida has an expensive juvenile justice system. We spend about $55 million a year on our juvenile justice system. These youngsters need to be identified by law enforcement and efforts need to be made to return them to their home communities.

The majority of these children, once identified and once returned to their home communities, can be helped a great deal and families can be helped and there are services in communities to do that.

The other side of the picture is, as I said, to do nothing and leave that youngster on the street.

I will tell you that I have been in youth work for 20 years now as a juvenile court probation officer and detention director and as an advocate for children, and I have never seen a child get better on the streets. We will pay for that at some point.

We are supportive of a national clearinghouse of information on missing children in this country.

Now, as we move away from the emotional appeal, I suppose, I would like to, if I can, look at the cost and gains of doing that.

We have heard the FBI this morning say that there would indeed be additional man-hours to create and maintain such a system. There would also be a minimal amount of dollars for hardware, I suppose, or programming costs to do this.

I can tell you that the figures I heard today to put this system in place would be—in about an hour would be offset by getting one child back to his home community.

I know what the enormous cost is to the American public to allow those youngsters to stay on the streets.

What do we have to gain? Well, I think we would begin to collect the most accurate data yet on the problem of missing children. We don't have a lot of good data. Some of the figures that you hear I think are nothing more than estimates. Children have not been as high a priority as they need to be.

It would help law enforcement officers to identify children that they have in custody. We have talked to many police officers who either have come across a dead body or they have a youngster who is the victim of an accident or some kind of trauma or children who simply do not give them the right information for whatever reason, and they don't know what to do with those kids. And as a result they wind up looking the other way sometimes because they really have very little resources with which to help those youngsters.

I think that a national clearinghouse would offer certainly some peace of mind for the parent of a missing child to know that if their youngster had been properly put into a national clearinghouse system and if that child was identified in another State that he could be returned home.

John Walsh told me, and I am sure he has told you, about parents who had children who were missing from the home and they spent 5 or 6 months of their entire life looking for them only to find that that youngster was lying in a morgue in the next county and nobody knew how to identify that child and get back in touch with those parents.

Again, if we are talking about cost, just dollars and cents, the incredible savings of tax dollars by not permitting the victimization of children on the streets by the criminal element who certainly do prey upon vulnerable children.

I don't see where we have anything to weigh. I think the scales tip very strongly in support of passing this legislation.

This country in 1979 endorsed 10 basic fundamental rights of children as declared by the United Nations in celebration of the International Year of the Child. I won't read all 10 of them to you, but I want to read a couple:

> The right to affection, love, and understanding; the right to adequate nutrition and medical care; the right to be a useful member of society and to develop individual abilities; the right to be brought up in a spirit of peace and universal brotherhood.

Missing children on the street—without a way for us to identify them, to share none of those rights that we endorse in our national publicity blitz in saying we want to make the community aware of the needs of children—missing children have none of those at all.

In summary, I just want to again emphasize that children are the most voiceless, powerless, vulnerable group of people in our society today and it behooves us to act in their behalf.

At this time I would like to ask Dr. McClure to continue the statement.

Dr. McClure. Thank you, Mr. Chairman.

We do consider the problem of missing, runaway, and dead children to be a law enforcement matter. If a child is missing there is a high probability that a crime has occurred and that is why the child is missing. If the child is dead, there is a high probability that they were victims of a crime. If a child has run away, there is also a high probability that that child will become a criminal or become a victim of crime.

We most certainly think of this as a law enforcement problem. We have been involved in researching the problem of missing and runaway children for several years and, spurred on by the tragedy of Adam Walsh, we have attempted to do something about it in our community of Fort Lauderdale and Broward County, Fla.

We first surveyed the local law enforcement agencies which consist of about 29 municipalities plus the county sheriff. We found in the uniform crime report prepared by the Florida Department of Law Enforcement that out of 7,000 runaways picked up annually in the State of Florida, only 126 of those were picked up by the Broward County Police in the runaway category.

Informal discussion with road patrolmen informed us that this was at least due partly to their perceived powerlessness to do anything about the children or, second, to identify themselves in case they would not properly identify them or give a pseudonym or an alias.

The main complaint with the National Crime Information Center is that for the legal law enforcement agencies to get the immediate access available they must enter the child's name, sex, race, and date of birth. Obviously, if they know that, they have already identified the child.

I see no little value in helping to identify a child who cannot or will not give their proper name.

The current procedure is as the gentleman from the FBI testified, that a parent will report the child as missing or runaway to their local police department, who will then forward the information by teletype into the NCIC. However, that is often the end of the relationship with the national data bank in the case of these children.

We have devised a program based on a lot of input from our local law enforcement agencies, and we got the chiefs of police, all 29 municipalities, and the sheriff of Broward County, to agree to participate in the system, whereby their normal procedures will continue to be followed; however, the county sheriff will also become the local repository of all reports of missing and runaway children.

Florida statutes empower county sheriffs to enter into agreements with interested agencies for the purpose of facilitating their work and we are negotiating a memorandum of agreement with our county sheriff whereby we are going to participate.

After gathering the records, the juvenile task force of Broward County's Sheriff's Office will forward copies of all reports to child advocacy where they will be entered into microcomputer storage.

Requests for information will be channeled through the county sheriff.

All 29 police agencies have agreed to do this.

We will provide 24-hour access to the computer by a terminal which is going to be located right next to the NCIC terminal in the sheriff's office.

What this is going to mean to the road patrolman on the street is that if he finds an obvious juvenile wandering the streets or loitering late at night who may not identify themselves or may give a pseudonym or alias, he can get on the radio to his dispatcher and within minutes learn if that child has been reported as missing or runaway in Broward County.

We have a computer package that will search through our files up to seven different levels. We don't need to know the name, date of birth, or other positive identification factors.

Granted, the officer on the street may learn that there are five or six brown-eyed, blond-haired, 15-year-old youths with tattoos who have been reported as missing, but at least he has a little something more to go on as far as positive identification.

Obviously our system is not going to be perfect but we submit that it could serve as a pilot perhaps to a national system.

We have found that the cost is at this point minimal. The microcomputer that serves this function, among other services to our agency, costs the grand total of $3,500. The computer software that allows access on other variables besides name and date of birth cost $150 over the counter at a computer store. So obviously the main cost of this program is going to be the work.

The juvenile task force of the Broward County Sheriff's Office is composed of veteran officers with a total of 75 years on the force. These are not pessimistic police officers. These are men and women who have volunteered to do the extra work, passing on the records to us and coordinating all inquiries through our computer.

Obviously the local police departments are going to do extra work in passing information on to the sheriff. They are also going to overcome some jealousies among their own agencies in doing this, and they have gone on record as being willing to do this.

We have work to do in that we are going to enter and maintain and operate the system.

We submit that there are obvious benefits. If a parent knows that their child has been entered into a computer, if they turn up anywhere in the county, then there is a high probability they are going to be identified and returned.

There are problems which the gentleman from the Federal Bureau of Investigation mentioned. Utilization is one. The system is only as good as the information put into it and requested from it.

There is most certainly the problem of purging the files. I believe it has been estimated that 70 percent of runaways return home voluntarily, and of those in Broward County approximately 40 percent of the parents have the courtesy and thoughtfulness to notify the police that, "By the way, my son has returned."

This is going to take work and trial and error in working out the most efficient way to keep the system containing only active cases.

It may well be that the volume is going to increase dramatically. Whereas we are estimating 5,000 children a year in our county, it may turn out to be significantly higher than that and we may find ourselves working a little harder than we had bargained for initially.

But, in any case, the problems we encounter and hopefully solve will most certainly be shared with other agencies that voluntarily or by mandate of Congress take on this responsibility.

Thank you.

Mr. **Edwards**. Thank you very much, Dr. McClure, for your excellent testimony.

Mr. Hyde?

Mr. **Hyde**. Thank you, Mr. Chairman.

I am delighted to have heard your testimony. You have been doing something about this problem which badly needs to be done. Do you think the program you have talked about could work on a national level, as this legislation provides?

Dr. **McClure**. Yes, I do, Mr. Hyde. Obviously the volume would be tremendously more than one county, but I don't see any other problems other than the sheer volume and, of course, utilization and keeping the file purged of inactive cases.

Mr. **Hyde**. It is like so many other things, a constant educational process must go on to inform local law agencies of the existence of it and encourage them to use it.

We listened to the FBI testify this morning. Do either of you have any specific comments on their testimony?

Mr. **Abbott**. I wanted to make it clear that from my knowledge of the NCIC system, we have a national computer that has some information on runaway and missing children, but it is of no use, period, if the local law enforcement officer doesn't know who the kid is to begin with. He must have a name and a date of birth before he can get anything back out of that system.

We are proposing that there needs to be a clearinghouse where you can identify children based on physical description when you don't have a name. So that is the reason I think that many police officers are frustrated around the country in trying to deal with——

Mr. **Hyde**. How tough would that be mechanically?

If you are going to identify young people or missing people other than by their name—let's say by scars or something like that, whatever other identifying data is available—how tough is that as a mechanical problem?

Mr. **Abbott**. Obviously——

Mr. **Hyde**. Do you do that?

Mr. **Abbott**. That is what we are going to be doing.

Mr. **Hyde**. You are going to be doing it?

Mr. **Abbott**. December 1 we are scheduled to go on line with the system. I wish we could come back in a month and tell you some of the problems we will run into, and I know there will be. Obviously, the more fields of information that can be entered into the system, the more you narrow down the gap as to providing an identity.

We have not really researched this problem of dental charts and things like that, but I have no doubt that the FBI with all their massive computerized systems and their trained personnel certainly could solve that problem.

Mr. **Hyde**. Now, the FBI is opposed to allowing parents to place information in the NCIC computer. Do you agree with that position?

Mr. **Abbott**. Congressman, I do not, and I kind of agree with your statement earlier that the parents should have the right to go by the local FBI office and report that information and have it entered.

I have talked to too many parents who have been to small municipalities—in our county we have some municipalities with three or four officers and they won't even take a report. They won't even sit down and look the parent in the eye and say let me take the information.

Mr. **Hyde**. Why not?

Mr. **Abbott**. They don't have the time; and particularly if it is a 14- or 15-year-old child, they say come back in a few days because he is probably going to come home, and parents are frustrated by that type of thing.

Dr. **McClure**. To respond to your question a moment ago about the cost of accessing a file of physical descriptors. We have purchased at the cost of $150 a program which will sort a file on up to seven fields simultaneously, such as height, weight, hair, eye color, scars.

Mr. **Hyde**. How much would that cost?

Dr. **McClure**. Just $150. This is for a microcomputer. It is not nearly as massive as the NCIC computer. Our file will handle only 1,000 records at a time.

Mr. **Hyde**. It would seem in this day and age if you are looking for people of an approximate age, with scars on their left hand, you should be able to retrieve that information regardless of the name or absence of a name.

Dr. **McClure**. That's correct.

Mr. **Hyde**. Computer experts could help us on that but you are doing the job on a small, microcosmic scale for $150.

Dr. **McClure**. This $150 program will also store up to 1,980 pieces of information on each child.

Mr. **Hyde**. On each child?

Dr. **McClure**. Yes.

Mr. **Hyde**. How many children will it store?

Dr. **McClure**. Stores 1,000 at a time on, like a 45-r/min record, 5¼-inch diskettes.

We understand from talks with the communications specialists at the sheriff's office the NCIC computer will only hold 400 characters on each subject. We would hope that the system, if it is expanded to include missing children, would be revamped so that it might store more information as well as provide searching on other descriptors besides the name and date of birth.

Mr. **Hyde**. A standardized form to take relevant information might be useful, too. To your knowledge, do the various police departments in your county have a standardized form?

Dr. **McClure**. Uniform, they don't. The sheriff's department has submitted their forms to us to use in setting up our form, but the municipalities don't always use common forms.

Mr. HYDE. That is something you might help them on. You will learn what is relevant and what is not and what information you need and you might help standardize the form.

Maybe the FBI can help you and maybe you can help them. A good form with filling in the blanks covers a lot of territory.

Dr. McCLURE. Sure.

Mr. HYDE. Thank you.

Mr. EDWARDS. How long have you been in operation?

Mr. ABBOTT. We have been incorportaed since 1973 and had a staff since 1975.

Mr. EDWARDS. You have had files since when?

Mr. ABBOTT. We are just in the process of doing that now.

Dr. McCLURE. This file is being built today by our staff.

Mr. EDWARDS. How are you going to limit the missing children to those who should be looked for, if you know what I mean? You point out that, in your testimony, Mr. Abbott, that children don't just run away, they sometimes run away to escape intolerable situations at home. You certainly don't want to return those children to brutal parents.

Mr. ABBOTT. We would like to know who that child is and where the parents live, and if the child says I left home because I was being raped by my stepfather every night, then law enforcement can investigate that problem, can refer that to our department of social services in Florida, who can come in and take protective custody of that child.

Mr. EDWARDS. But you are recommending that these brutal parents can go to an FBI office and turn the police of 50 States loose to find a 15-, 16-, or 17-year-old child because some of your examples I notice were 15 and 17 years old.

Mr. ABBOTT. Yes; it may be partially true. I don't think the brutal parents, the ones who don't want the kids, are going to be actively looking for them anyhow. There may be circumstances where a parent who has abused the child would go to the FBI and say help me find the child. We would hope if a child is of a young age and cannot tell the story that there would be some kind of marks on the child to indicate he had been an abused child.

If it is an older child—often we never know these things unless the child tells us, and I don't know how to get around that problem.

Mr. EDWARDS. What do the police in Broward County do? Do they arrest kids that are walking around? What age do they stop? Vagrancy, what is the charge?

Mr. ABBOTT. There is none. Runaways are called status offenders in Florida and juveniles are at that level until they reach 18 in Florida, so up through 17. We, only recently, established a shelter for adolescents who need temporary residential care, but until then the order of the day was to look the other way. They wound up babysitting with kids in police stations all day trying to find out who they were, and they got frustrated with that.

Mr. EDWARDS. How do you visualize the national system operating; for example, a 15-year-old girl doesn't come home for dinner some night, what would happen under a national system?

Dr. McCLURE. As I understand, one of those bills would exclude chronic runaways from being entered on the file. As I mentioned before. if a child is a runaway or has failed to come home and no one knows what happened, there is a high probability that a crime has occurred or will occur, either committed by that child or with that child as a victim.

Many agencies have a 24-hour rule on missing persons of any age, and in the case of a young child I think that should obviously be waived and immediately the full force of all law enforcement agencies should be brought to bear on that.

Part of the situation is morale, as we see it, that if the local law enforcement people, the road patrolman on the street knew and the parents knew that the weight and power of the Federal Government was being brought to bear in helping them find their child, I don't think you would have grieved parents up here complaining to their Congressmen, and I really think that the law enforcement officer on the street, his morale would be greatly increased and that he or she would be more enthused about picking up and bringing in children who happen to be out where they have no business being.

Mr. EDWARDS. Well, right now the names of missing children and the descriptions are generally in the NCIC, I think.

Dr. MCCLURE. Yes.

Mr. EDWARDS. A lot of them. But do you think it is important to add those without names? Are there any without names in the NCIC, Mr. Abbott?

Mr. ABBOTT. No.

Mr. EDWARDS. You have to have a name to get into the NCIC. So you think the first improvement would be to put in physical descriptors?

Dr. MCCLURE. The physical descriptors are there, but the access that is available to the local law enforcement people as they have told us is that to find a hit on the computer you must know the subject's name, race, sex, and date of birth.

The officers on the street have 15 minutes to detain a child without probable cause and an off-line search cannot be conducted in 15 minutes, so that the officer learns whether that child has been reported as missing or runaway.

What we have developed and hope a national system would include is the ability to search the file on other descriptors besides the exact identification of the child.

Mr. ABBOTT. We certainly think the name ought to be entered into the original information.

Mr. EDWARDS. But, in addition, you think the dead body—unidentified dead bodies should be entered too?

Dr. MCCLURE. I think the system that we have proposed will handle the case of the missing runaway or dead child.

Mr. EDWARDS. You are going to set that up in your system, unidentified dead?

Mr. ABBOTT. Yes, sir.

Mr. EDWARDS. Mr. Tucevich?

Mr. TUCEVICH. Thank you, Mr. Chairman.

Child Advocacy, Inc. is the recipient of a Federal grant; isn't that true?

Mr. ABBOTT. That is true

Mr. TUCEVICH. From which agency?

Mr. ABBOTT. The Office of Juvenile Justice and Delinquency Prevention, part of the Justice Department.

Mr. TUCEVICH. Is the FBI a part of the Department of Justice?

Mr. ABBOTT. Yes.

Mr. TUCEVICH. Has any representative of the FBI contacted you with respect to your program?

Mr. ABBOTT. No, sir.

Mr. TUCEVICH. Have you made an effort to contact the FBI to make them aware of the findings of your program?

Mr. ABBOTT. We have not, because the system is scheduled to come online very soon. We have been in touch with our project monitors on the grant about the problem in Fort Lauderdale and what we are doing about it, but we felt it was premature, I guess, to make contact with the FBI.

Dr. MCCLURE. The special agent in charge of the local office was in attendance at the meeting of the 29 chiefs of police at which the program was presented and informal discussions were held, so the local FBI is indeed aware of what we are doing.

Mr. TUCEVICH. You heard the cost estimate that the FBI had given to us, actually in response to my question earlier?

Mr. ABBOTT. Yes, sir.

Mr. TUCEVICH. What is your response to that estimate? Do you think it is too much or too little?

Dr. MCCLURE. It might even be too conservative.

Mr. TUCEVICH. What would you estimate it would cost to implement a national system which incorporates these multiple identifiers that you referred to?

Dr. MCCLURE. We haven't projected national cost figures. For our county we are looking at a total cost of about $25,000 per year and most of that is in manpower.

Mr. TUCEVICH. Programing costs?

Dr. MCCLURE. Operating costs. The programs we purchased over the counter.

Mr. TUCEVICH. If this legislation were to pass just as it is right now, H.R. 3781, the Simon bill, in your opinion would it really aid in finding missing children?

Dr. MCCLURE. Not unless the programing capability were expanded so that physical descriptors, dental charts and such as that could be entered, rather than the name and date of birth as is presently required.

Mr. TUCEVICH. So, in other words, if this legislation were to pass, in your opinion it wouldn't do much good without adding those identifiers, the capcity to search——

Dr. MCCLURE. That's correct. I don't know if that sort of thing has to be mandated by legislation. We do see that as the deficiency in the current program.

Mr. TUCEVICH. Do you think it would be possible to allow parents to place information into the local FBI office that, for example, some agency of the Department of Justice, the FBI, for example, could have a form that they provide to be filled out in triplicate, a copy to the local FBI office, and a copy to whatever State and local police agency affected; which has blanks for scars, tatoos, height, weight, that sort of thing, that parents could simply fill out and leave with a Federal agency; would that be possible?

Dr. McCLURE. That is an excellent idea and would provide for sharing the information with the appropriate agency.

Mr. TUCEVICH. If there were such a form it wouldn't necessitate either a great deal of man-hours or time, it would simply go to the computer programer, who would incorporate the information into the system?

Dr. McCLURE. That's correct.

Mr. TUCEVICH. If you were in a position to enact legislation, what more would you propose that the FBI could do to alleviate this problem?

Dr. McCLURE. I think just what the gentlemen from the FBI have already stated, that they plan to educate local law enforcement officials as to what services are available to them nationally.

We found that the intense publicity generated by Adam Walsh and similar cases that are still active in Dade and Broward Counties have added to the heat on the local police officials to do something about this.

Mr. TUCEVICH. Wasn't that more of a local matter until it got national publicity? Other than that, there really wasn't a whole lot of demand necessarily for that type of education.

Do you think that simply newsletters from the NCIC to the respective agencies will really get more usage?

Dr. McCLURE. I think the popular media also would be an appropriate vehicle.

Mr. TUCEVICH. Thank you.

Thank you, Mr. Chairman.

Mr. EDWARDS. Thank you very much.

I would like to ask Mr. Boyd another question. Could you come up for a moment, Mr. Boyd?

Would it be possible to work into the NCIC missing person file the descriptions of missing people without the names and the date of birth?

Mr. KIER BOYD. Yes; we have that capability now, but not online. The problem is with 19,000 people on there, you will probably have many hits and, as I understand their testimony they have about 15 minutes to hold the person, and the great variety of hits, I am not sure that——

Mr. EDWARDS. You might hit 100 possibles?

Mr. KIER BOYD. That could very well be. For instance, one of my colleagues testified in a case where we had the same name, same date and place of birth, unfortunately it was the wrong person. So we had an exact hit using specific data.

When you get into one talking about height plus or minus an inch, weight plus or minus 5 pounds, I have some problem that you are going to be able to narrow it.

You can in a system that size, narrow down fairly tightly. If you have 19,000 juveniles, I think that would be difficult.

Mr. EDWARDS. Do you have a response to that, Dr. McClure?

Dr. McCLURE. I certainly agree and, as I mentioned, the volume would be probably the major problem in extrapolating the system from a local to a national level. However, if an entry came from south Florida, it might be very appropriate for the NCIC operator to restrict the search to files reported from south Florida.

Mr. Edwards. There would be no great problem with the FBI including in the data bank of the NCIC information from local police organizations that they acquired from the morgues describing unidentified dead persons; right?

Mr. Kier Boyd. We have that capacity now; I believe it is 117 characters. Whether or not that will be sufficient to describe—that is fairly limited, but we do have an open field for free form information.

Mr. Edwards. Do most of the coroners send you fingerprints of unidentified people?

Mr. Kier Boyd. I don't know. I can't speak for the Identification Division.

Mr. Nemecek. I don't think it is done on the regularity that it used to be.

Mr. Edwards. Would you have the authority to check those with the noncriminal fingerprints files that you have?

Mr. Nemecek. Yes; we are doing that now, Congressman.

Mr. Hyde. Would getting a hit or several hits as Mr. Boyd has said not be justification for holding the person more than 15 minutes then? Wouldn't that provide you a handle to look further into it?

Mr. Kier Boyd. Well, that would be a State matter as to how long they hold somebody.

Mr. Hyde. You said 15 minutes. I guess that is a rule of thumb?

Mr. Kier Boyd. That is the figure that I heard.

Mr. Hyde. Once you get a hit would it be counterproductive to let go?

Mr. Abbott. Once the police officer can establish the probable cause, then he can take that child into custody and that child will be placed———

Mr. Hyde. But you have 15 minutes to get the hit?

Mr. Abbott. To get probable cause to hold him further. Perhaps that would justify probable cause.

Mr. Kier Boyd. The question would be if you had 20 possibilities, would that be probable cause?

Mr. Hyde. It would seem to me that you folks can coordinate and learn something from Colorado, Colorado can learn something from you, the FBI can learn from you, you can learn from the FBI, and maybe we can get this onstream this year.

Mr. Abbott. I will have to go to Tampa. I didn't know this conference was coming.

Mr. Edwards. Thank you very much, all the witnesses. This has been very helpful.

[Whereupon, at 11:25 a.m., the subcommittee was adjourned.]

Additional Material

Prepared Statement of Hon. Joseph G. Minish, New Jersey, 11th District Subcommittee on Civil and Constitutional Rights Judiciary Committee

THE MISSING CHILDREN ACT

Mr. Chairman, I am pleased to offer my testimony before this Subcommittee on my bill, H.R. 4893, "The Missing Children Act."

Unfortunately, it is a most tragic situation which requires this legislation and these hearings. As many of us here are already painfully aware, it is reported that approximately 50,000 children each year are reported missing. These children are not the victims of parental kidnapings nor are they runaways. Moreover, an estimated 8,000 bodies of unidentified children are found each year.

It is my hope that more of these children would be with us today if we had a more coordinated system for exchanging information on missing children. This legislation would do precisly that.

In a deep sense, it is a sad societal comment that this legislation is needed. For, from the many cases of missing children which I have read, the vast majority of these children are missing not because they have neglectful parents nor because these children took extraordinary risks. There tragically seems to be certain individuals, who for whatever deranged psychological reasons, abduct children and abuse them.

H.R. 4893 would facilitate the exchange and acquisition of information to locate missing children. It would also aid in the identification of certain deceased individuals. This bill also makes sense in this period of budget austerity, as it would only coordinate existing facilities, making use of available resources in an economic manner.

The basic reason why I sponsored this bill and believe it should be passed is simple: such a regrettable problem exists, a problem which American society may not have experienced to this degree thirty years ago, but now we must address it. The role for we in Congress should be to confront the difficult questions in society and attempt to resolve them. This legislation would truly prove an asset to law enforcement officials who are working desperately to locate missing children.

If H.R. 4893 were enacted, it would provide the law enforcement officials with more information on these children, at an earlier date. The time factor is so critical and would certainly increase the possibility of locating these children.

To those who might oppose this legislation I say that we have established specific criteria to insure that we will not be creating unnecessary work for law enforcement personnel. For instance, the child can not have a previous history of running away, or on the basis of the best available evidence, they are not the victims of parental kidnappings. Moreover, the information will be expunged from the system when the child is located or a body is identified.

In closing, I would like to thank Representative Edwards, my distinguished colleague from California, for holding these hearings. I will again emphasize how much I believe in this bill. I hope that it is soon reported out of Committee so the full House will have the opportunity to act upon it.

Thank you.

Prepared Statement of Hon. John J. LaFalce

Mr. Chairman, I want to thank you for the opportunity to present a brief statement on H.R. 3781, the Missing Children Act. I feel very strongly about the need for this legislation, which I wholeheartedly support because I believe it may help alleviate the terrible suffering of families, like the Walshes, who have lost their children to tragic and often unresolved disappearances.

I would like to briefly outline my involvement in the Adam Walsh case and include in my statement the text of a letter subsequently sent to me by the Federal Bureau of Invesigation.

In early August 1981 I was contacted by a constitutent, who is a relative of the Walsh family, concerning Adam's disappearance from a Hollywood, Florida store. The family was desperate for help and sought my assistance in getting the FBI involved in the case. Within a few days of this request Adam's remains would be found in Florida; but at the time, the family did not know he was dead and contacted me, Senator Paula Hawkins, and no doubt countless others in an effort to urge the FBI to bring its full resources to bear in the search for little Adam Walsh, who was without question abducted from that store in Florida, although there was no "hard evidence" such as a ransom note to support this fact.

Once involved in the Adam Walsh incident I was astonished by what it takes to get the FBI to formally enter a missing person case. At the time I shared this view with many who thought the FBI "always" became involved in kidnapping cases. I know better now, and hope after these hearings the American public will know better, too, and will share the outrage of the Walsh family and others who have looked to the federal government for help in similar instances.

The position of the FBI is outlined in the following letter, written in response to my inquiry asking the Bureau to explain and clarify its role in kidnapping cases in general, with specific reference to the Adam Walsh case:

U.S. DEPARTMENT OF JUSTICE,
Federal Bureau of Investigation,
Washington, D.C., September 28, 1981.

Hon. JOHN J. LAFALCE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAFALCE: Your September 2nd letter to Judge Webster with regard to the disappearance of Mrs. Phyllis Venezia grandnephew, Adam Walsh, and requesting the policy of the FBI in such cases has been brought to my attention. I was truly sorry to learn that Adam was murdered and wish to express deepest sympathy to his family.

I share, as does the FBI, your grave concern for the welfare of our children who have disappeared and wish to assure you that we are not indifferent to the requests received for help in locating missing children. We are most sympathetic to the desire of those who want the FBI to actively investigate these cases; however, in fulfilling our responsibilities, including kidnapping matters, the FBI must adhere to the guidelines set down for us which give us the authority to investigate possible violations of those Federal laws falling within our jurisdiction.

As you are aware, Congress, in passing the Federal kidnapping Statute, established the parameters within which we must work. No matter what the crime committed, certain elements must be present for it to fall within our purview and these elements are set by the language of the law. The Statute, as written, states in part, ". . . any such person who has been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted or carried away . . .," and this has been interpreted by the Department of Justice to mean there must be some evidence of such an abduction, not merely an unexplained disappearance, before the FBI can undertake investigation. It is not within the purview of the FBI to modify its investigative policy regarding kidnapping as it conforms with that legislated by Congress in the Federal Kidnapping Statute.

The FBI does not have the authority to investigate missing persons unless there is evidence of a Federal violation within our purview. In cases involving missing children which are brought to our attention, as in the case of Adam, our field offices maintain contract with the local law enforcement agency handling the investigation in the event evidence is developed which would grant us the authority to enter the case.

In addition, the FBI offers to local and state law enforcement the services of its Laboratory and Identification facilities in all cases under investigation. Also, the FBI's National Crime Information Center (NCIC), a computerized criminal justice information system, provides state and local law enforcement agencies the ability to enter records relating to missing persons provided they meet certain criteria. One of the categories which may be entered involves juveniles, which generally includes individuals up to 18 years of age. The entry must be made by a criminal justice agency and be based on a written statement from a parent or legal guardian confirming that the juvenile is missing and verfiying the date of birth.

As a matter of information, our Miami Office maintained continuous contact with the Hollywood Police Department which conducted the investigation regarding Adam's disappearance. The facts surrounding the matter were discussed with the Assistant United States Attorney, Fort Lauderale, Florida, who advised that in his opinion the evidence developed did not indicate the existence of a Federal violation but requested to be kept advised of any and all pertinent developments in the case. Tragedies such as Adam's death touch everyone, and I sincerely regret that we are unable to be of more assistance. I hope you will understand the restrictions placed on us in these types of cases, but, unless the law is changed, there is nothing more that we can do.

Sincerely yours,

CHARLES P. MONROE,
Assistant Director,
Criminal Investigative Division.

In sum, the letter states that the FBI did not enter into a situation like the Adam Walsh case because there was no indication that he was taken across state lines, nor was kidaping made the definite motive through the existence of a ransom note. The FBI does state in the letter that if offers local and state law enforcement the services of its National Crime Information Center, but the letter does not say that of the estimated one million children who disappear each year from their homes, only one-third are ever entered into the NCIC's missing persons files. Nor does the FBI say that part of the reason for this is that in order to be entered into the missing person file, the criteria which must be met are absurdly limiting: a child must have been seen abducted or in similarly threatening circumstances to a "qualify" for full data bank treatment.

The Missing Children Act does not change the definition of kidnapping but it does take that all-important first step toward heightening our national awareness of the scope of the problem and from that, statutory reforms in our kidnap laws may or may not be deemed warranted. The establishment of a national clearinghouse for missing children will expand on a system already in existence and will provide invaluable statistics which can be used to further evaluate the scope of the missing children issue, which I suspect is far worse than we think.

Enactment of the Missing Children Act might not have changed the outcome of the Adam Walsh case but I have absolutely no doubt in mind that its passage would have an impact in many cases involving missing children. It most assuredly would signal to parents our commitment to helping them through their anguish.

The Missing Children Act is a modest bill in scope and in cost. It should not be allowed to lanquish in Congress, but should with all speed be enacted into law so that we might possibly avoid unnecessary repetitions of the Adam Walsh case.

Mr. Chairman, I extend my thanks to you for holding these hearings and allowing me to express my thoughts on the importance of the legislation under consideration today.

AMERICAN BAR ASSOCIATION,
Washington, D.C., December 8, 1981.

Re H.R. 3781, the proposed Missing Children Act.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR DON: One of the Association's important public service projects is the National Legal Resource Center for Child Advocacy and Protection, staffed here in our Washington office. That Center has, through our 140,000 member Young Lawyers Division, been instrumental in having the ABA House of Delegates unanimously support two resolutions relating to abused and neglected children. In calling for effective federal laws to help remedy this serious problem, as well as seeking more active involvement by the legal profession to assist in the protection of these children, the Association has made a commitment to improve our legal process in this area.

I am writing because our Child Advocacy Center director, Howard Davidson, who recently returned from a National Symposium on Exploited and Victimized Children has indicated to me that the Subcommittee is soon to mark up H.R. 3781, the proposed "Missing Children Act", on which you recently held hearings.

Some of the greatest, and most tragic, abuses are too frequently suffered by those children who are kidnapped from their parents or exploited by adults who prey on those who have run away from their homes. The proposed Missing Children Act is a simple piece of legislation that would allow our existing national law enforcement computer network to be effectively used to assist in the location and identification of missing children and to provide information to assist in making identifications of otherwise unidentifiable deceased children and adults. Its passage would represent an important symbol of the concern of Congress about this problem to the bereaved parents of missing and murdered children.

H.R. 5003 (Gaydos), H.R. 5049 (LaFalce), H.R. 5104 (Railsback) and S. 1701 (Hawking), identical bills, are the strongest, potentially most effective versions of this legislation. I understand S. 1701 is cosponsored by 60 senators. These bills contain several important elements that are not present in H.R. 3781. They give parents the opportunity to provide information for direct inclusion in the computer system which will aid in the location of their missing children (to remedy what we understand is a frequent failure of some police departments to enter this information themselves). They also define "missing" children in a manner which does not exclude any who are at risk of harm.

We have also considered the issue of whether these House bills:

(1) would violate any recognized right of privacy of children or their parents; or

(2) would constitute an undue burden on Federal (FBI) or local law enforcement officials.

In response to the former concern, we point out that these bills only permit parents to place data about their missing children into the computer. Clearly, parents would not be authorized to have access to output from the comuter. Only law enforcement agencies would have this access. With regard to the privacy rights of children in these situations who may not wish to be seached for (e.g., some runaways or those who have chosen to live with a non-custodial relative), we have found no judicial recognition of these rights. On the contrary, we find ample legal authority for the proposition that state and local governments have a wide range of powers in matters affecting the welfare and safety of children.

As to the second issue, it is our understanding that none of the bills would impose any new investigative responsibilities on the FBI. Ideally, a single, simple form could be prepared for use by either Federal, state, or loacal law enforcement personnel which would assist police and parents in assuring that all important identifying characteristics of missing children were placed into the computer system. For use by parents, this form would be self explanatory. It would be given to police for inclusion into the computer system. No FBI field office investigative involvement would be requird by this legislation.

You should know that the version of the bill I am urging had the unanimous endorsement of the parents and professionals who attended the National Symposium.

I have not sent copies of this letter to members of the Subcommitee, but would like to do so if you have no objections.

We appreciate the interest of the Subcommitte in this issue. Howard Davidson of the Child Advocacy Resource Center stands ready to assist you or your staff in any way you deem desirable. He can be reached at 331-2250.

Sincerely,

HERBERT F. HOFFMAN.

Text of Two Versions of the Proposed "Missing Children Act"

(Underlined language differs between the two bills)

S.1701 (Hawkins)
H.R.5003 (Gaydos)
H.R.5049 (LaFalce)
H.R.5106 (Railsback)

A BILL

To amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Missing Children Act".

SEC. 2. (a) Section 534(a) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified within fifteen days after the date of the discovery of the deceased individual;

"(3) acquire, collect, classify, and preserve any information from authorized officials of the Federal Government, the States, cities, and penal and other institutions, or from a parent, legal guardian, or next of kin of an unemancipated person, as defined by the laws of the State of residence of such person, which would assist in the location of any missing person who—

"(A) is under proven physical or mental disability making the person a danger to himself or others;

"(B) is in the company of another person under circumstances indicating that his physical safety is in danger;

"(C) is missing under circumstances indicating that the disappearance was not voluntary; or

"(D) is unemancipated as defined by the laws of his State of residence; and"; and

(4) by striking out "exchange these records" in paragraph (4) (as so redesignated) and inserting in lieu thereof "exchange such records or information".

SEC. 3. (a) The heading for section 534 of title 28, United States Code, is amended to read as follows:

"§534. Acquisition, preservation, and exchange of identification records and information; appointment of officials".

(b) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 534 and inserting in lieu thereof the following new item:

"534. Acquisition, preservation, and exchange of identification records and information; appointment of officials."

H.R.3781 (Simon)
H.R.4893 (Minish)
H.R.5070 (Fascell)

A BILL

To amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Missing Children Act".

SEC. 2. (a) Section 534(a) of title 28, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified before the close of the thirtieth day after the date of death of the individual involved;

"(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing child who—

"(A) has not attained 17 years of age;

"(B) does not have a previous history of running away;

"(C) on the basis of available evidence, is not the victim of an abduction by a parent; and

"(D) has been missing for at least 48 hours; and"; and

(4) by striking out "exchange these records" in paragraph (4) (as so redesignated) and inserting in lieu thereof "exchange such records or information".

(b) Section 534(b) of such title is amended to read as follows:

"(b) The exchange of records or information authorized by subsection (a)(4) is subject to cancellation—

"(1) if dissemination of records described in subsection (a)(1) is made outside the receiving departments or related agencies; or

"(2) if information described in subsection (a)(2) or (a)(3) is not expunged with reasonable promptness after the deceased is identified or the missing child is located, as the case may be.".

SEC. 3. (a) The heading for section 534 of title 28, United States Code, is amended to read as follows:

"§534. Acquisition, preservation, and exchange of identification records and information; appointment of officials".

(b) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 534 and inserting in lieu thereof the following new item:

"534. Acquisition, preservation, and exchange of identification records and information; appointment of officials."

Missing and Unidentified Deceased Persons Files: Development of a Natioinal Repository

(Louise Giovane Becker, Specialist in Information Science and Technology
Science Policy Research Division)

I. INTRODUCTION

In the 97th Congress, bills have been introduced which would mandate the establishment of a national missing persons and unidentified deceased persons file. These bills were prompted, in part, by recent incidents of missing and runaway children, as well as reports of elderly disabled persons who become disoriented and cannot find their way home. The Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) missing persons file has over 24,000 entries and a one-State prototype unidentified body file is being projected to include over 2,000 persons. Some experts believe that these figures are low, mainly because of the lack of uniform reporting practices among local jurisdictions. For example, cities like New York and Chicago have fewer entries in the missing person file of NCIC than would be expected. While the total number of missing persons and unidentified bodies is not easily determined, the harm and anguish in human terms to the individual and his relatives and friends is considerable.

This paper addresses some of the technical and administrative problems in developing appropriate national files. This paper does not examine the legal aspects of related issues of privacy and confidentiality of such record holdings, nor does it critically examine characteristics for the selection or inclusion of an individual in a missing person file.

II. LEGISLATIVE PROPOSALS

A. S. 1701, Missing Children Act

S. 1701, introduced by Senator Paula Hawkins, the Missing Children Act, would amend title 28 of the U.S. Code by authorizing the Attorney General "to aquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals." S. 1701, which replaces an earlier bill, S. 1355, also introduced by Senator Hawkins, requires that the information be forwarded to a national respository within "15 days after the date of the discovery of the deceased individual." Specifically S. 1701 characterizes the missing person as one (1) who may be under physical or mental disability, (2) who may be in physical danger, (3) whose disappearance was not voluntary, or (4) who is unemancipated (as defined by the laws of the State). The bill would allow parents, legal guardians, or next of kin to enter information concerning a missing unemancipated person directly into a criminal justice information file.

On November 12, 1981 the Senate approved an amendment [No. 609] by Senator Hawkins to H.R. 4169, the Department of State, Justice, and Commerce and the Judiciary appropriating funds for fiscal year 1982, which contains the language of S. 1701. H.R. 4169 as amended was passed by the Senate and is to be considered by a conference committee in the very near future.

B. H.R. 3781 Missing Children Act

The House bill H.R. 3781, introduced by Representative Paul Simon, is identical to S. 1355 and directs the Attorney General to collect and preserve information to aid in the identification of deceased individuals and missing children. H.R. 3781 requires information on unidentified deceased persons to be transmitted to a national repository or file 30 days after the date of discovery of bodies.

C. Some pros and cons

Critics of these bills state that this legislation may duplicate existing services and operations and, more importantly, that the bills would contribute little to solving the problem of locating missing children or others. In the view of some of these critics, the collection of information continues to be hampered by the reluctance of some State and local law enforcement officials to enter information into State and local as well as national repositories on missing persons.

Advocates of the bills contend that this statutory language provides a much needed national oversight of the problem. They hold that this mandate will stimulate appropriate information collection and reporting practices and thus contribute to the establishment of a viable national clearinghouse. The bill's advocates also hold that a significant contribution of the bill may be in stimulating effective use of the NCIC missing persons file and encouraging the rapid development of its incipient unidentified deceased persons file. In addition, advocates of S. 1701 state that allowing parents and relatives to enter information into a national repository would enhance the system. Therefore, enactment of this type of legislation is viewed as providing a much needed mandate to enhance existing activities and encourage greater participation by the law enforcement community.

III. THE ROLE OF THE FBI NATIONAL CRIME INFORMATION CENTER

A. Missing persons file

The FBI NCIC, a nation-wide law enforcement information system, maintains a ntional file on missing persons. Prompted by the law enforcement community and the NCIC Advisory Policy Board (APB), the FBI NCIC established a missing person file in 1975.[1]

The creation of the missing person file classification was preceded by studies and recommendations by APB and the FBI legal staff. In May 1968, the NCIC participants concluded that further research should be conducted on development of appropriate criteria and that specific consideration should be given to certain types of missing persons. A subcommittee was appointed to develop the classifications of missing persons.[2] A year later at the February 1969 NCIC participants meeting, the subcommittee identified two categories of persons who could be included in a missing person file: individuals under 18 years of age, and individuals over 18 years of age who are known to suffer from senility or amnesia, who are mentally retarded or disturbed, or whose disappearance was not voluntary.

Classification of missing persons was reviewed by the Advisory Policy Board and the FBI legal staff. The legal staff noted that persons could be held in protective custody if thy were juveniles as defined by State law and if they were legally adjudicated to be under certain disabilities.[3]

In 1973 the NCIC Advisory Policy Board initially discussed the possibility of placing missing persons in the Wanted Person File as opposed to the creation of a separate missing person locater file. The Board, at that time, requested an opinion of the FBI legal staff and was advised by the FBI, in February 1974, that due to "increased awareness of the right of privacy and the fear of having that right invaded through the use of a computer," a separate Missing Person File should be established.[4] The FBI legal staff specifically recommended that:[5]

Any Missing Person File to be created be in a separate file;

The file should be an index to missing persons only and not persons for whom an arrest warrant is outstanding;

Each Missing Person File record should be based upon written documentation in the possession of the agency entering the File;

Persons to be included would be only those under noncriminal legal disability as follows:

1) unemancipated juveniles;
2) persons legally adjudicated as under legal disability; and
3) persons determined to be under real and dangerous physical disability; and

The file must not abridge the rights of privacy.

The FBI advised the Attorney General of the United States of the proposed implementation and received approval for placing the Missing Person File in NCIC.[6] The NCIC Missing Person File, which became operational in October 1975, currently contains 24,640 entries.[7]

B. Unidentified deceased persons file

The number of unidentified dead bodies found annually in the United States has been estimated to be from 1,000 to 2,000.[8] These figures represent merely an educated guess that some experts have questioned. These estimates may be extremely low and the actual numbers may be considerably higher. While most jurisdictions make an effort to correlate information about dead bodies and missing persons, perceived difficulties—real or imagined—in reporting requirement and limited police resources sometimes have caused these files to be less than effective. Efforts to identify deceased persons and to follow up cases, in some instances, are limited by information, manpower and budget resources.[9]

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[1] National Crime Information Center Advisory Policy Board Dec. 10-11, 1980 Minutes [of meeting] San Diego, California. Washington, U.S. Department of Justice. Federal Bureau of Investigation, 1980. p. 35.

[2] Ibid.

[3] Ibid., p. 34.

[4] Ibid.

[5] Ibid., p. 34-35.

[6] Ibid., p. 35.

[7] U.S. Department of Justice. Federal Bureau of Investigation. National Crime Information Center (NCIC) NCIC Newsletter. Oct. 1981. Washington, 1981. p. 2.

[8] Source: Telephone conversation with Mr. W. Gray Buckley, Colorado Bureau of Investigation. Date: November 11, 1981.

The NCIC Advisory Policy Board in mid-1981 was presented with a report by the Unidentified Dead File Subcommittee. The chairman of the subcommittee, Mr. W. Gray Buckley of the Crime Information Section, Colorado Bureau of Investigation, reported to the Board at the June 17-18, 1981 Boise, Idaho meeting that "it was generally accepted . . . [that] a need exists for a national clearinghouse point for data concerning located unidentified dead bodies."[10]

The Colorado State Bureau of Investigation and the NCIC Advisory Policy Board agreed to establish a pilot national unidentified dead file. The NCIC Advisory Policy Board action to establish this pilot program, coupled with the existing policy of the NCIC Missing Person File, stimulated the Board to consider that Federal legislative proposals be reviewed. Specifically the Board recommended that: [11]

The reconsideration should be particularly aimed at the problem perceived by the Advisory Policy Board that under-utilization of the present Missing Person File is not being made by local enforcement agencies. Any review and legislation should be directed to the full utilization of the present resource in the NCIC Missing Persons File and pilot program of Colorado to test the efficacy of a national dead body identification process.

IV. SUMMARY AND CONCLUSIONS

The FBI, managers of the NCIC system, and the NCIC Advisory Policy Board have had an important role in implementing a national missing persons file. More recently the Board has encouraged the development of the State of Colorado's prototype unidentified deceased persons file. There has been an apparent reluctance by some local law enforcement officials to participate fully in the NCIC Missing Persons File and the as yet to be established Unidentified Deceased Persons File. To be successful, managers of a national repository would have to begin to educate and encourage State and local law enforcement to fully participate in the system. In some instances there is reportedly misinformation regarding the missing person and the unidentified deceased persons file which can only be overcome by educating law enforcement officials and others on its scope and importance. The integrity of the system can only be established if there is full national participation in the collection and preservation of the records.

The FBI NCIC system may be a logical place to put a national repository on missing persons and unidentified deceased persons. NCIC, as an existing resource, has a viable network and a disciplined managerial program dedicated to assisting law enforcement agencies. Utilization of existing systems and the resources of participating agencies may eliminate the need for an additional bureaucracy.

Technically there does not seem to be any problem of including these files in the NCIC system. The relatively small number of records that these files are projected to contain should not harm the integrity or reliability of the existing NCIC system. The NCIC managers may be required to provide additional encouragement to participating State and local agencies. At this time, the attitude or opinion of the NCIC Advisory Policy Board on this matter is not clear.

Several questions arise which may require additional examination, namely:

What will encourage or stimulate law enforcement officials to fully participate in contributing to these files?

Should the bills provide any additional restrictions on the collection and preservation of this type of information?

Regarding identification of deceased individuals, is the 15 days (as required by S. 1701) or 30 days (as required by H.R. 3781) after the date of the discovery of the deceased individual, most effective time period?

Will providing national oversight aid in encouraging State and local participation?

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[9] Source: Missing Person Division, New York City Police Department; and Medical Examiner, State of Maryland. Date: November 12, 1981.

[10] National Crime Information Center Advisory Policy Board. Minutes of the June 17-18, 1981. Boise, Idaho meeting. Washington, 1981. p. 26.

[11] Ibid., p. 27.

Testimony of Kristin Cole Brown, Information Director of Child Find Before the House Subcommittee on Civil and Constitutional Rights

Honorable Chairman, thank you for this opportunity to introduce to you and to the members of this subcommittee some information concerning the problem of missing children.

My name is Kristin Cole Brown. I am Information Director of Child Find, a private, not-for-profit organization founded to help provide a central point of contact for missing children and their searching parents. Our Executive Director is Gloria Yerkovich. Her daughter, Joanna, has been missing since December 20, 1974.

No one really knows how many other children are missing in this country. One figure occurs on a regular basis, from several independent sources: 50,000 "stranger abductions" every year. Is the number too high, too small? We have no way of knowing; there is no federal institution which has been created to record missing names from local jurisdictions on a national basis. The number 50,000 was arrived at by counting up missing children reports from counties across the country. Who can say how many were lost again—first, reported lost by their parents, then filed away on an index card in a County Sheriff's office?

In addition to these 50,000, another 100,000 children are snatched by a noncustodial parent. A recent report from the California Lutheran College Child-Kidnapping Study puts the number of parental abductions at 400,000 annually. The number of unreported cases is so high because parents, despairing of help, simply don't bother to report their abducted child to the police; they know that once the word "custody" is raised, they are not likely to receive substantial help.

Let us put the number of missing children, then, at a conservative 150,000 per annum. How long before the roulette ball drops into the pocket of someone we know? Or even closer?

I think that most Americans have a healthy respect, and an even healthier skepticism, for our government. There are some programs which are anathema to some of us; others which seem to spring full-grown and perfectly conceived from our two houses of representation and which we feel speak directly to a personal problem. We win some and we lose some. Compared to other governments, the average tips the scale toward the national good.

Until you lose a child. Then, every compromise, every illusion you have conjured up about your government shatters. Without a ransom note, without proof that your child was taken across state lines (proof that is realized all too often, and too late, when your child's body is discovered in another state) the searching parent will watch his local police mount a massive, thorough, dedicated hunt which will extend to the town, county, or state line and no further.

There is no national Missing Persons' Bureau.

There is no national methodology detailing co-operation between authorities from different states.

There is no publicly funded clearinghouse assigned exclusively to missing children's names.

There is no publicly funded national program which helps searching parents find their missing children.

Child Find was created to help fill in this gap. So far as we know, we are the only organization maintaining a national registry of missing children. We have had to generate our own publicity so that searching parents will know about us. We have only been incorporated for a year. We have 1,200 names.

The national law enforcement rate for recovered children stands at about 10%. As many children as are recovered alive are found dead. That adds ups to 20%. It's not enough.

Gloria Yerkovich founded Child Find in August of 1980. Since then, we have helped about 35% of the parents who have registered with us locate their children. We do this in a number of ways.

First of all, there's publicity. Every time we go on television or a story appears on us we make sure that photographs of our missing children are included.

Secondly, we have learned who's who in the private investigation business. Ms. Yerkovich learned, the hard way, that the detective who appears on "60 Minutes" is not necessarily the detective who can help you find your child.

Third, we have a network of searching parents. There is no dedication like that of a parent whose own child is missing. We ask these parents to look out for missing children who may be in their geographic location. We don't get many false leads. We do recover a few children.

But by far our single most important effort is our outreach program to the missing children themselves. We have Public Service Announcements broadcast on both radio and television which directly address the children. They say, in effect, Is there a parent who you think may be looking for you? Call our toll-free number; Child Find will try to help you find your parents.

We can always tell when one of our PSA's has been aired. The phone rings off the hook for an hour and a half afterwards.

When we began this program, everyone said "They'll never call you." Well, obviously, not all of them have. But we have over 100 names of searching children who are looking for their parents. Tragically, not one of them matches up to names given us by searching parents. We have to tell the children that we're still looking.

We have a number of alternatives when we receive a phone call. First, we ask the child if the person he's living with knows that he's calling us. If he does, we proceed one way; if he doesn't, we proceed another. If the child is in an abusive situation, we proceed a third way.

If there's no abuse, but the child has not told the people he's living with that he's calling us, we ask the child to call us as often as he wishes on our toll-free line, and we keep looking.

If there were a national clearinghouse which contained the name of every missing child, we could have an answer for that child in minutes.

Lastly, we are working with schools in two ways. First of all, we have printed a poster which we hope to have hung in every public school library across the country. Older children will be able to read it themselves. We have prepared guidelines that will aid librarians in explaining the poster, and Child Find's purpose, to library groups of younger children.

We don't have the money yet to mail them out. We don't have the money to "sell" the idea to schools. But we send the poster to every PTA or school employee who asks for one.

In addition to the posters, we have compiled a directory with names and physical descriptions and photographs of our registered missing children which is being distributed to every police agency and school on our mailing list. With luck, a teacher will look through our directory, walk into her classroom, and recognize a missing child. With less luck, a policeman will recognize an unidentified body. But at least, the searching parent will be able to focus his or her grief; it will no longer be the grief of speculation; it will be the grief of knowledge.

We are all here today to examine the problem of missing children. It is absolutely critical that we establish a policy which guarantees that the various criteria used to determine whether or not a child is to be considered a missing child be subject to the most generous interpretation. We must not begin by discriminating against kinds of missing children. It seems to me that there is only one piece of information necessary: Does the legal custodian of the child know where the child is? If not, the child is in trouble.

We can only begin to imagine the horror and the dread that a parent experiences upon learning that his child is missing. For some of us, this is all the vicarious terror we can bear. We hear it, register it, perhaps even experience it for a moment. But ultimately, the horror is to infinite to comprehend. Still, something has changed. We have learned that there are even greater sorrows in the world than those that have stricken us.

Too often, the next step is an evasive one. Having learned a little, we can bear to learn no more. We plug our ears. Our heart has broken for one child; must it break for thousands?

And so the discrimination begins. I will grieve for this kind of stolen child, but not this kind or that kind. I will grieve for a child who simply disappears from the school playground, but I will not grieve for a child who runs away from home. I will grieve for a child who, through some abberation of our child welfare system, winds up in Jonestown, but I will not grieve for a child whose non-custodial parent steals him . . . and takes him to Jonestown.

If you are going to help, you must help them all. You cannot protect these children if you are going to protect yourselves first. You must make room in your heart for every missing child.

The majority of missing children registered with Child Find are victims of parental snatchings. If your ears and heart are already closing, I beg you to keep them open one moment longer. Parental child abuse is a fact. Parents hurt, and kill, their children every day.

Child abuse reporting centers receive 1,000,000 reports every year. Every four hours, a child dies as the direct result of physical abuse inflicted by a parent.

We must not assume that a parent who breaks a civil law, will respect a social law. On the contrary, we must assume that a parent who breaks civil laws will break the laws of responsible parenting. Because that is what our evidence proves.

You are saying to yourselves, "What does this have to do with the problem of missing children as we are studying it today?" You may be saying, yes, of course, it's illegal to snatch a child who is no longer under your legal guardianship, but that's very different from a stranger kidnapping. At least you know the child is safe somewhere with a parent.

That is the myth. The one we create because the truth is such a distortion of the picture we like to cherish of the happy American family.

As the problem of domestic violence and parental child abuse slowly comes to light, it becomes clear that we have known little, and admitted even less, about the disastrous effects of our larger national troubles upon individual families. But one fact is undeniably true: for whatever reason, more and more parents are turning on their children and venting their rage upon them. There are national and local groups across the country, with titles like Parents Anonymous, which counsel abusive parents. While Child Find commends these groups for their sympathetic approach, the fact remains that it is these parents who are likely to be sued for divorce, lose custody, and abduct their children.

It is possible that these parents "love" their children. "Love" is perhaps the single most common motive for domestic murders. When "love" is frustrated, violence follows.

For two and a half years, Gloria Yerkovich patiently waited for her county, state, and federal officials to come to her daughter's aid. There was a lot of talk about felony warrants and NCIC computers. It turned out that no one in her county was exactly sure how to proceed on a parental abduction case.

Finally, Ms. Yerkovich realized that whatever was being done was being done in a vacuum purposely, and honorably, guaranteed in our constitution. It is every citizen's constitutional right to disappear, to remain anonymous, not to be accounted for. But what happens if you disappear with a child?

The ramifications of organizing a way to keep track of us, without invading our privacy, are too complex to be easily evaluated. It is certainly not a job for a private agency. Instead, Ms. Yerkovich stopped waiting, and decided that it was past time that somebody offer missing children a way to reach out to their searching parents. You have only to read any random newspaper to see a story about someone who has devoted a lifetime to searching for his parents. It takes some people their whole lives. Ms. Yerkovich couldn't wait for someone else to organize Child Find. She has a daughter out there.

From her personal experience, Ms. Yerkovich knew what the motive was that generates a child-abduction. Even the American Bar Association agrees. It's revenge.

What she was not prepared for were the stories she began to hear from other searching parents and other private agencies. One group in California discovered that in 500 case studies, 90 percent of the abducting parents had a history of emotional or physical abuse. Another group in Washington told us that after the revenge anger cools, abducting parents are likely to abandon their children, to distant relatives, friends, strangers, perhaps a foster home (and from there to Jonestown?)

But this was hearsay. When we began to talk to parents we nurtured no preconceptions, fostered no rumours. We simply waited to see for ourselves.

The majority of children who are registered with us sustained parental child abuse. They were either beaten, subjected to sexual molestation, or neglected. More often it is the father who is violent, and the mother who is neglectful; 35 percent of our registered searching parents are men with legal custody whose former wives have stolen their children.

Sixty percent of the abducting parents have criminal records. Some take the child for a weekend and just don't come back. Some have broken down doors and snatched their children out of a parent's, babysitter's, or grandparent's arms. Others have arrived with gangs, beaten the custodial parent, fled with the child. Others use cars to run down the custodial parent.

What are the first fears that assault any parent whose child has disappeared? If it were you, what would your first reaction be? "Where is my child? Will my child be harmed? Who has my child?"

Now take a lateral step to another sequence. You are a battered wife. Your children have been beaten, in front of you, while your husband silently dares you to intercede. If you do, you are beaten too. If you don't, he has won anyway. "You don't even care," he sneers.

Finally, finally, maybe even after years, you realize that it will never change. You have no skills, no money, no way to support your children, but the proof that your children suffer can no longer be denied. They limp. They have broken bones. Teeth are missing. Or. Finally, she breaks down and confesses that she's afraid to stay alone with Daddy. "He said if I ever told you . . . He said it was because I was a bad girl . . . He said you knew . . . He made me swear on Grandma's grave . . ."

And so the present becomes so unbearable that you finally find the courage to leave. You don't speculate about the future; you just pray that as soon as the divorce is over, and you have won custody, you will begin to earn the trust which every child bestows on his parent.

In order to get the thing over with, you agree to whatever visitation the court prescribes. You don't give it a second thought, really. It was so clear that your children only inspired cruelty and violence in your former spouse that you can't imagine your husband even bothering to visit them. But he does. And he takes them away. And you never see them again.

Now, is it any more comforting to know that your child is with someone with a history of violence than with an unknown stranger? Let us not judge whether it is "better" for a child to be hurt at the hands of a parent than a stranger. Let us, instead, try to find the child.

Sometimes a searching parent will hear from her children. Or of them. A phone call: "Mommy, I'm . . ." The phone is snatched away. Or. A phone call "Listen to this . . ." You hear your child screaming in the background. Or you receive a bloody band-aid in the mail. Or a dead fish. Or a piece of a toenail. Or a letter: "I'm leaving you the way I found you—alone and childless." All of this has happened to parents registered with us.

This is not the place to discuss the legal and legislative remedies long overdue to these searching parents. It is the place to make a plea on their children's behalf. Their children are missing children. Their children are in danger. Every missing child is a child in danger. Until someone can prove otherwise, this is an assumption we have got to make before it's too late.

It was too late for "Juanita." Juanita disappered last fall with her sister. Her mother was panic-stricken. "I know her father has her, and he's always had it in for her. Please help me find her. He's hurt them both before." . . . Another hysterical mother. She was told: "They'll turn up . . . the guy's just watching you squirm."

Juanita did turn up. Dead—in the Hudson River. No one has found her sister, or her father. But the police did find a note in his apartment. It said, "God forgive me for what I'm about to do."

It was too late for Neely Smith. Her mother registered Neely with us early in April of this year. She had divorced her husband not long before; it was as friendly as something as emotionally painful as divorce can be. Mrs. Smith maintained that her husband had not taken Neely. He had passed a lie detector test confirming this. He was frantic too. "Just an act," the police said. "He's got her with family somewhere."

Neely's body was found in a wooded area not far from her home a few weeks later. It was a stranger abduction after all. In the ugly, petty world of procedure, Neely Smith was lost to an imaginary domestic squabble.

"Patty" was snatched when she was 2½. She was found, alive, six months later, halfway across the country, covered with cigarette burns, half-starved, feverish.

"Joey" was stolen by his father when he was nine months old. He was found, along, sleeping in a car. He and his father had lived off the garbage behind the local supermarket for the four months they were gone.

"Randy" and his sister "Missy" were stolen nearly two years ago. Their mother belongs to a religious cult. She has devised her own special methods of punishment for her children as befit her religious beliefs. One includes hours of prayer, bare-kneed, on kernels of rice. Another is two boards used for beatings. They are called "Mr. Ouch" and "Mr. Persuasion." We haven't been able to find Randy and Missy.

"Joy" was found. She was abducted at six. By the age of twelve she was a classic "problem" child. Deeply involved in drugs, failing in school, she had appeared in Juvenile court several times. She was just too much trouble. Voluntarily, her abducting parent returned her. I don't know exactly how it was accomplished . . . a possible scenario might be "Look, I've had it. You do have another parent. I don't know what to do with you. Better luck next time."

But the emotional damage had been done. The years of hiding, of lies, of an undercover life, could not suddenly be erased. "Joy" couldn't cope. At 14, Joy killed herself.

We also can't find "Linda." She was snatched by her father just after her mother divorced him. After years of molestation, the little girl had broken down. Her mother was a nurse. "Please, Mommy, I'm begging you, don't go to work tonight. I promised never to tell you, but he hurts me so bad. I know it's my fault, but Mommy, Mommy, I'll be good, please just don't leave me alone with him again." Divorce. Custody. Visitation. Missing child.

We can't find "Justin" either. After a divorce, Justin's mother remarried. Her second husband regularly beat Justin. His mother watched, praying that soon, any day, the beatings would end, and the man would accept Justin as a son. But Justin was afraid to wait. He ran away. Oh . . . a runaway . . . well . . . Something inside of us closes up when we hear that word. Is it because we perceive the child no longer as a passive victim, but as an adult protagonist who has made a decision and must live with it? Or because we all remember running away once or twice ourselves, to Grandma's or to a friend's house, cherishing our parents' fright, savoring our moment of power. "Now they'll see how it feels."

I have no doubt that part of this may have motivated Justin.

He may have hoped to jolt his mother into action so that she would confront his step-father, draw a line, make rules. He left because he was afraid and in pain and angry and, with justification, terrified. He did what children do when they are desperate. He ran away.

But that was in June. And Justin is only eight. And Sgt. Dick Ruffino will tell you that most runaways end up dead.

Runaways leave home for a reason. If the reason turns out to be a history of abuse, then the child deserves another classification and another chance. The runaway should become a missing child.

Parents snatch children for a reason. We are not talking about the rare case when a parent has lost custody on a technicality and knows his or her child to be living in an abusive situation. We'll concede that these abduction situations comprise a fractional component of the overall picture of parental abductions.

Again, the primary motive for a parental abduction is, plain and simple, revenge. It is a revenge far sweeter and longer lived than a beating or even murder, for it never ends. Every day the abducting parent has the child, the searching parent doesn't.

Strangers snatch children for a reason. Money. Perversion. Lunacy. A reason we can't comprehend. But a reason that results in one more missing child.

In all these cases a child is in danger. Is there any person anywhere who could argue for a second that some kinds of missing children should be helped, and others not? For God's Sake, Let's set about the task of locating our children the moment they are reported missing, before there is one more Etan Patz, Neely Smith, Joanna Yerkovich, Yusuf Bell, or Adam Walsh to accuse us.

We are losing children. When we add up the numbers, we find a total with six digits. We are here because for every child who is lost, there was a parent who turned to the government and was turned away.

If you are going to start helping now, in the middle, you must begin by admitting your mistakes in the beginning. The Lindbergh Act carefully excludes almost every searching parent who needs it; again, only parents whose missing children conform to very narrowly defined criteria fall under the jurisdiction of this Act. The Federal Parental Kidnapping Prevention Act of 1980 is similarly difficult to utilize. There is a very large gap between the intention and the application of both of these Acts. It is up to you to see that the Missing Children Act affords protection to the thousands of children who were denied assistance as a result of the exclusivity of these two prior Acts.

When I first began working for Child Find, I couldn't believe the truth. I thought all the parents I was talking to were crazy. Or exceptions. Or too distraught to acquire the assistance they needed. I simply could not take in the fact that there was no assistance available. "But the government . . . !" I kept stuttering. "The FBI! The national missing persons bureau! Teletype machines! Networks!"

The FBI will look for Patty Hearst, but not for Etan Patz. There is no national missing persons bureau. Teletype machines reach out to perhaps half the major cities in our country. And networks? Yes, there are networks. There are some police who do not operate on assumptions or prejudices but who conscientiously pursue every missing child, regardless of circumstances, money, manpower, or time.

And there are networks of private organizations like Child Find. And we come, here, to some of the solutions that have been created in the absence of any national federal solution. We are the first to admit that we are only making a tiny dent in the context of an enormous national tragedy.

Almost every private agency has been founded by a searching parent. These are people who went first to their government, found nothing, and began filling in the gaps.

None of us can do the whole job by ourselves. And neither can you. We can't afford to listen to promises from anyone who claims to be able to handle the whole problem.

It is too complicated, too vast. Too well-organized, too spontaneous. There are always "ifs."

As American citizens, we trust you with our education, our constitutional rights, our retirement, our old age. And in our last moment of innocence, when we come to you for help because our children are missing, we trust you with something so precious, so fundamental, that when you turn us away, you have, in effect, lost us.

Now, you say, you are ready to help. Good. But please forgive us if we are wary. Where were you on December 20, 1974? Where were you on May 25, 1979? Where were you when the mothers of Atlanta first pleaded for help? Where were you on July 27, 1981? And on September 6, when 2½ year old Ryan Burton was abducted from her bed as she slept in Breckenridge, Texas? And earlier this month, when another two-year old was abducted from her bed in Watertown, Wisconsin? Ryan is still missing. The body of the Manders baby was found a week after she disappeared.

You were not there, then. You say you may be here sometime in the future. We welcome you. We need you. But we can't wait for you.

As I see it, there are several functions which can only be accomplished by an institution as large as our federal government. First of all, obviously, we are in desperate need of a national clearninghouse storing information on missing children. The names in this computer should be available to all private organizations, like Child Find, who have a proven and irreproachable record of credible dedication with missing persons' cases. One of the first things you will have to do is learn to share. Our network did not form instantaneously. All of our groups check out all other groups very carefully. If you want to join us in our work, if you want to know the names of our registered missing children, you must observe our rules. You are coming in very late. We trusted you before and you weren't there. You must earn our trust again.

You can do this, as I said, by recommending that a national clearinghouse be established. That's step one.

We are going to begin advising private citizens to take precautions with their children. One of these measures suggests that parents voluntarily take their children down to the local police station and have them fingerprinted. There's no need to leave the fingerprints there; parents can bring them home and there's no formal record of your child's prints anywhere.

But, if the child turns up missing one day, you are quantum leaps ahead of the usual procedure. Once the government computer is operational, you can take these fingerprints back down to the local police station where they will be sent to the federal clearinghouse. If the fingerprints do not match up with those of unidentified bodies, they are then made available to hospital emergency rooms and child abuse protective shelters and other institutions with access to children. We would like to see all such agencies fingerprint abused children and check them against those stored in the national computer. We would like to see all state child abuse agencies check with our private organizations, to see if their abused children match up with our missing children. These agencies could be directed to ours through a federal clearinghouse.

And, although it seems to go against ever principle of our democratic society, we would like to see children fingerprinted when they register for school. This clearly conflicts with our right to privacy; but abduction conflicts with our children's right to life, liberty and the pursuit of happiness. We must weigh the risks against the advantages.

You can also help by seeing that children learn how to avoid potential abduction situations. I don't want you to run out and hire actors and producers and start filming. It's already been done. There again, the private sector has stepped into the void left by the government. But they don't have the money to distribute these films nationwide. Unfortunately, demand far excees supply when it comes to distributing the two best preventive films we know of. The federal government might contact the universities where these films were produced and see that enough copies are made so that they can be shown across the country.

Searching parents are broke parents. Because these parents are their only resource, they are often their own form of financial funding. I am not asking that you subsidize them. (Although you may be interested to learn that in Norway the Sovereign State does, in fact, bear all costs related to the search for missing children. We recently located a child here in the U.S. who had been abducted from Norway. Her mother did not have to pay a penny of our $50 registration fee.) I am asking that the legal aid agencies across the country, which are being shut down right and left, be funded again. As usual, the criminal has no legal expenses until he's caught. The searching parent often pays his attorney to research the problem only to be told that further action will come at astronomical fees. No money, no legal representation, no child. The victim is victimized again.

We also need a special task force of investigators who know how to find missing children. Who will know how to make use of all the available resources. Perhaps a special branch of the FBI. I think we need a specially trained core of people whose first qualification is that they've done it before; or that they care enough to learn how to do it.

When Gloria Yerkovich first organized Child Find, she quickly established a communications network with the dozen or so other agencies offering assistance to searching parents. By putting all of these agencies in touch with each other, letting each know the primary focus of the others, she helped each to more clearly define its own goals, and to avoid duplicating work already being done by another.

The booklet was called "Who Cares About Missing Children?" We hope, one day, to be able to add the United States Government to our list.

There are no children here to speak to you today. But you will have heard the voice of one family, the small family of John and Revé Walsh, made smaller still by the terrible omissions of our legislative forefathers. We must all unite in our determination to see that the Missing Children Act be as effective and generous as possible.

When we hear John and Revé Walsh's story, and the stories of all the other parents and children told in my testimony and others, we are faced with a courage so profound, so cruelly tested, that it is hard to comprehend where it might have taken root. For some of us, courage is a spontaneously assumed sensation which fades when the moment of danger passes. For others, it is a virtue we pursue through a lifetime.

For any parent who has lost a child, courage is the nutriment which sustains life. It is a condition that can't be escaped; these parents must live with their courage as they live with their sorrow.

The rest of us may make our daily decisions, take our daily risks, expend our daily ration of courage. It is not until you face these parents, and their losses, that you can truly marvel at the resiliency of the human spirit.

But even these parents will reach a moment when courage seems empty. We must accomplish the passage of the Missing Children Act if we ever hope to seek absolution in the eyes of these parents, and their children.

Finally, although the task of responsibly addressing a problem we have too long ignored, and by ignoring encouraged, may seem overwhelming, we too have reason to hope. We have one universal ally whose power is more resolute, more acute, than any other we can name: parents who are empowered by their love for their children. No amount of government inadequacy, social indifference, or intolerable reality can change it. If you join us, you will find that it is your single greatest resources.

TESTIMONY OF BETTY DINOVA, CODIRECTOR AND NATIONAL COORDINATOR

I. THE PROBLEM

Our great country is capable of working technological miracles, but it cannot protect its innocent young children from destruction by ordinary street criminals. Our children are disappearing involuntarily from their homes at a rate estimated to be at least 50,000 per year. Most of these disappearances remain unsolved, even when a body is found to prove that the victim did not run away or that the voluntary runaway became a victim of street crminals.

II. THE CAUSES

1. Apathy

These crimes flourish and escalate each year because no one seems to care. Until "Atlanta," the media did not consider missing and murdered children as newsworthy. The general public therefore remained unaware of the problem. But even since "Atlanta," when press coverage is more prevalent, some citizens have chosen to close their eyes and ears to the message unless it hits them personally or hits someone close to them.

2. Corruption

We can pick up a newspaper almost every day and read about corruption in high places. Because corruption exists within some police agencies and in many judicial chambers, and even in Congress, crime is allowed to go unchecked.

3. FBI weakness

Our once esteemed FBI is no match for organized crime, either because of fear or because there is corruption within its own ranks, fed by financial greed and/or personal gratification.

III. THE SOLUTIONS

1. Motivation

Every community across America must stir up its citizens to take precautions against street criminals. Until we can detect and weed out the corrupt elements in our official agencies and patrol those agencies more efficiently, we must protect ourselves and our children by being alert to the symptoms of crime and by taking preventive measures. We must make our citizens aware of the problem and motivate them to take community action. We need block parent programs and absentee reporting systems in all our schools; and we need visible, trustworthy security guards outside all shopping centers. Our federal legislators can herald this movement at the grass roots level . . . IF they are big enough to take on this responsbility.

2. Congressional investigations

a. Corrupt individuals.—Congress must also take the responsibility of detecting and weeding out corrupt individuals from all government agencies at every level—local, state and federal. Corruption at the local level, as it pertains to missing child investigations, is a federal matter. The federal government must therefore assume responsibility for the total purification that is necessary.

b. Organized crime.—Our government is well aware of the activities of organized crime, and we are pleased to note that the present Administration is making a serious effort to combat it. However, we question their priorities. We know that in order to capture the "big wheels" of organized crime, the "little guy" on the street is allowed to operate unmolested, the logic being that he will lead the crime busters to the "big wheels." The problem with this theory is that it totally disregards the human lives being ruined by that "little guy" on the street. Those human lives—in terms of missing children caught in drug, prostitution, and pornography schemes—are the lives of innocent children who don't stand a chance without our help. White slavery and child pornography are allowed to flourish. . . WHY? If the product of these multi-billion-dollar industries were removed from the grasp of the "little guys," this child exploitation could not exist. Is it so much more difficult for our government to protect these innocent children than it is to send a man to the moon?

3. FBI redirection

We feel that the FBI needs to reasses its priorities to place the protection of its human resources above all else. The children being taken by the criminals in this country are usually the stable, conscientious, highminded and intelligent ones who would one day become leaders of our society. If we continue to allow their lives to be snuffed out without any attempt to save them—as we have been doing for the past ten years or more—we are not only guilty of murder, but we are stripping our country of its best candidates for future leadership. The FBI was once a respected institution, but it has lost favor in recent years. We feel it could regain its stature by redirecting its power toward saving human lives instead of destroying them. We think the FBI could be a formidable foe of organized crime if it would come to the immediate aid of our endangered children by taking a new look at its misinterpretation of the Federal Kidnapping Statute.

IV. FEDERAL KIDNAPPING STATUTE

The answer to solving a large majority of mysterious disappearances of the past, and to preventing many would be-abductions in the future, is a more realistic and more accurate interpretation of the statute governing kidnapping in the United States. We submit the following views for evaluation and investigation:

1. FBI guidelines

The following guidelines have been quoted repeatedly in correspondence to this organization and to Joseph V. Scofield, Jr., father of missing 12-year-old Dee Scofield for whom the Dee Scofield Awareness Program was named:

a. "The FBI is authorized to search . . . when there is information or an allegation that a person has been unlawfully abducted or held for ransom, reward or otherwise . . . and where the person has been wilfully transported across state lines."

b. "The statute establishes a rebuttable presumption that the victim of an abduction as been transported across state lines, if the victim is not released within 24 hours."

It is our contention that the Justice Department and the FBI have arbitrarily added the requirement of PROOF of abduction as a criterion for an FBI investigation of a missing child case . . . when in fact no such proof is expressed or implied in the statute as quoted to us. Furthermore, the FBI routinely ignores the 24-hour presumption clause, thus aiding and abetting the criminal and condemning the victim.

2. Constitutional rights

a. A suspected criminal is given his constitutional right of being considered innocent until proven guilty by being allowed to go free on bail until a court duly convicts him. Innocent, immature children, on the other hand—by virtue of the FBI's arbitrary PROOF requirement—are immediately convicted (of running away, of having an accident, or of wandering off) until their families can prove foul play was involved. Where is the justice when a criminal's rights take precedence over an innocent child's rights . . . when convicted criminals can receive endless rights of appeal at taxpayers' expense even though they gave no such option to their innocent child victims, and when victims' families must personally bear the expense of proving their child's innocence?

b. Once it is determined that the slightest possibility of foul play exists, a child's constitutional rights are violated if that child is not considered a victim until it can be proven otherwise. As the system now works, this is not the case . . . It was not the case with Dee Scofield, age 12; it was not the case with Adam Walsh, age 6; and it was not the case with Neely Smith, age 5. (See par. VII, Thumbnail Case Histories, this testimony.) Adam and Neely were found murdered, far from the places where they disappeared. Dee is still missing. We do not know if she is dead or alive. The FBI has refused to investigate all of these cases.

3. Present jurisdictional problems

An abducted child's survival depends on an immediate search and the ability of police to transcend boundary lines swiftly and smoothly. These elements do not exist within the present jurisdictional system. Most police agencies still observe a 24-hour waiting period, and too often police pride hinders smooth interaction between police agencies. Thus a kidnapper knows he is safe from the law as soon as he crosses the nearest jurisdictional boundary.

4. Need for FBI jurisdiction

a. This agency advocates FBI jurisdiction (or a separate federal agency) to find every missing child under 18 who cannot be located or PROVEN to be a runaway within the first 24 hours after disappearance. The Tampa Police Department has indicated to us that 24 hours is sufficient time to determine if foul play is a possibility in a child disappearance.

b. We maintain that every missing child deserves the protection of specially trained investigators who are authorized to transcend very local, county and state boundary. Kidnapped children are rarely held within the jurisdictional boundaries, but if the FBI had jurisdiction there would be no boundary lines to protect the criminals. In our opinion, every missing child under 18 should have the benefit of FBI jurisdiction, whether or not voluntary flight was involved. Until we consider our children mature enough to vote, we cannot logically consider them mature enough to fend for themselves on our crime-ridden streets.

c. In rebuttal to the potential argument that federal jurisdiction over kidnap cases might violate Article I, Section 8, of the Constitution (which prohibits a national police agency), we would remind you that the Federal Kidnapping Statute itself makes provision for such jurisdiction through its 24-hour presumption clause . . . which allows the presumption that the abductee has been taken across state lines if not released within 24 hours, thus meeting the basic requirements of the statute for authorization of an FBI investigation.

V. SUPPORTIVE EVIDENCE

The files of the Dee Scofield Awareness Program abound with indications that white slavery is flourishing in central Florida and throughout the United States. We invite bona fide federal investigators to pursue the following sources of information through us if they are interested in eradicating child kidnapping.

1. An investigative journalist, who was referred to us by a representative of the Florida Secretary of State, has documented records of white slavery throughout the United States, complete with names and incidents involving organized crime.

2. A mother of a 16-year old girl believed to be a victim of forced prostitution in the central Florida area, has names and license tag numbers of suspected ring operators. She also has pictures of girls being loaded into trucks at a drop point which was quickly changed as soon as she reported it to the local sheriff. The local sheriff, incidentally, would not investigate this operation because the informant's own daughter was not among those in the documented photograph.

3. Several cases of abduction and attempted abduction in Ocala and other central Florida areas have been reported to us. A 15-year old girl abducted from Ocala in 1980 was found three months later in California, too frightened to talk about the experience both then and now. At the time of her return to Ocala it was thought that two men were following her to get her back, and her whereabouts had to be protected. Another 15-year-old girl was abducted from Ocala into a pickup truck but managed to escape from the moving vehicle, tearing off a large portion of her skin after hitting the ground. A similar abduction was successful the following night in a town thirty miles away.

VI STATISTICS

1. *Multiple crimes*

In a large percentage of cases, child molesters are never caught. Dee's abductor has not been caught; Adam's killer has not been caught; and Neely's killer has not been caught. When child molesters and murders are caught, it is often found that they have already committed an average of five previous sex crimes. In some cases it is many more than that. We are firmly convinced that the high percentage of multiple child molesters and killers in the United States is a direct result of the country's outdated jurisdictional police system.

2. *Kidnap motivations*

Today, only 10 percent of the actual child kidnap cases in the United States involve ransom, according to our five-year study of the limited number of cases available to us through newspaper clippings. The majority of child kidnappings and murders involve sex and depravity and mental deficiencies, as well as sophisticated, well organized business enterprises that thrive on child exploitation. Is a child any less kidnapped when he is held for sex and depravity and pornography rather than for ranson? Do not these other purposes come under the "or otherwise" clause in the Federal Kidnapping Statute?

VII. THUMBNAIL CASE HISTORIES

In support of our beliefs and convictions stated herein, we offer as evidence the following thumbnail recaps of three case histories from our files: Adam Walsh, age 6; Neely Shane Smith, age 5; and Dee Scofield, age 12:

1. *Adam Walsh, age 6, is dead . . . decapitated. Had been missing two weeks*

Adam disappeared from the toy department at Sears in the Hollywood/FL Mall on 27 July 1981. He was allegedly seen departing the area outside Sears with a strange man unknown to Adam's family. This story was told under hypnosis by the 10-year-old boy who witnessed it. In our view, this constitutes valid "information" that Adam was "unlawfully abducted." And since he did not return within 24 hours, we feel he was entitled to the benefit of the presumption clause in the kidnap statute that presumes a victim has been taken across state lines (a requirement for an FBI investigation) if not released within 24 hours. But three area offices of the FBI refused to investigate Adam's disappearance: the Fort Lauderdale office; the Miami office; and the Southeast Regional Office which is based in Miami. These refusals were made in spite of a plea from Senator Paula Hawkins, R-FL, at our request, and in spite of an appeal to President Reagan by Attorney General William French Smith at the request of a personal friend of Adam's family. On 10 August 1981, Adam's head was found over 100 miles from where he disappeared. An autopsy indicated he had lived four days. If the FBI had assumed jurisdiction 24 hours after Adam's disappearance, would he be alive today?

2. *Neely Shane Smith, age 5, is dead . . . strangled. Had been missing two months*

Neely disappeared from her yard in Charlotte/NC on 18 February 1981. In spite of a $1,500 ransom demand (one of the requirements for FBI jurisdiction), Neely's mother could not get FBI help. At her request, we wrote FBI Director William Webster on 8 April 1981 and requested an FBI investigation, citing the ransom demand and a subsequent "Alleged" sighting of Neely in Key West/FL, three states away. Neely's body was found before we received the negative reply that the FBI lacked authority to search for her. We wrote two more times to the FBI, seeking an explanation of why the ransom demand was not sufficient authority for the FBI to investigate Neely's murder; and both times we received a negative reply which completely ignored the ransom issue.

3. Dorothy "Dee" Scofield, age 12 . . . is still missing (after more than 5 years)

Dee vanished 22 July 1976 from an Ocala/FL shopping center while waiting for her mother to finish a written driver's test at the Florida Highway Patrol office so they could go to a movie together. A Highway Patrolman helped Dee's mother search around the shopping center that afternoon, but an official search did not start until the next day when it was learned that Dee had been seen by a clerk at a small convenience store near the Ocala National Forest just 24 hours earlier . . . if there had been an immediate search, would Dee be with her family today?

VIII. A CLASSIC CASE—DEE SCOFIELD

1. An analysis of the sightings of Dee Scofield after her disappearance on 22 July 1976 reveals a significant chronological and geographical pattern which should have been detected by investigators, but which was not detected either by the Ocala/FL P.D. which had jurisdiction, or by the FBI which allegedly investigated some of the sightings but did not take an active part in the overall investigation.

2. It is our belief that the Ocala P.D., being small and unaccustomed to searching for missing persons (237 runaways and missing persons cases during 1976, according to Ocala, P.D. records; as compared to approximately 1,200 cases in the City of Tampa/FL per Tampa P.D. records for 1976), lacked the insight and expertise necessary to conduct an efficient investigation. It is our further belief that because the FBI did not assume jurisdiction, in spite of several out-of-state sightings, and investigated only selected sightings and/or clues, the involved FBI investigators lacked both the incentive and the tools for reaching any accurate conclusions.

3. In our view, not all of the suspects in Dee's case have been cleared. One such suspect is wanted by the FBI for another crime in the same locale, and once when he was spotted in another state the sheriff there would not pick him up without a written warrant from the jurisdictional police in Ocala/FL. By the time the warrant was mailed to the other state, the suspect had fled . . . if the FBI was notified, why didn't the FBI pick up this suspect? If the FBI was not notified, why not?

4. Recent information received by the Dee program leads us to beleve that Dee could have been a victim of forced prostitution. If this is true, it is possible that organized crime is involved . . . and organized crime does come under FBI jurisdiction. Why isn't this angle pursued by the FBI, not just in Dee's case but in many others as well? Is the FBI blind to these possiblities, or is it purposely avoiding them?

5. A list of sightings compiled by the Dee program illustrates the possibility that Dee was in fact taken to California and back to Georgia, and that she may still be alive. The list also illustrates the need to eliminate the 24-hour waiting policy and the need for a national agency (FBI or otherwise) responsible for finding missing children and having total jurisdiction and complete authority to transcend every local, county and state boundary.

IX. LIST OF SIGHTINGS—DEE SCOFIELD

1. 22 Jul 76—Ocala/FL. Two hours after disappearance

(This was the only valid sighting, according to Ocala, P.D.) Dee was allegedly seen by two clerks at a small grocery store near the edge of the Ocala National Forest, near the home of one of the suspects who is also wanted by the FBI for grand larceny. On initial questioning, one of the clerks provided information from which a composite drawing of the suspect was made. However, a week or so later she said she had not seen the face when Dee came in and nervously purchased a Coke with a dollar bill. The clerk then claimed she had only seen the back of the man's head and his hairline; he had not turned around so she could see his face.

2. 24 Jul 76—Ocala/FL. Two days after disappearance

(This sighting was dismissed by police as the product of a 12-year-old schoolgirl's imagination.) The incident occurred in the morning but was not reported to the police until 10:00 PM. While riding in the back of her father's pickup, a classmate of Dee's thought she saw Dee in the back of a passing van as the two vehicles pulled up at an intersection outside Ocala. She thought Dee seemed to be mouthing the word "Help!" but had been afraid to say anything to her parents at first because she was not sure it has been Dee. When the Ocala P.D. did get the report that night, they allegedly gave the information to all their units which in turn checked all the vans in the area but found none matching the girl's description.

3. 29 Jul 76—Brandon/FL. (20 mi. east of Tampa; 100 mi south of Ocala). A week after disappearance

(This sighting was checked out personally by Dee's dad, Joe Scofield.) A cashier at the Big Star grocery store in Brandon/FL. who had just moved to Brandon from Ocala, had reportedly seen Dee twice in the grocery store and once next door at the K-Mart department store. However, when Joe Scofield confronted her on Sunday, 1 Aug, she said she could not definitely identify the girl she had seen as Dee.

[Note.—One of the suspects from Ocala was in the process of being transferred to the Brandon K-Mart. As of the day of Dee's disappearance, his family was already living in the Brandon area but he had not yet moved. There has been no surveillance of this man.]

4. 8 Aug 76—Indianapolis/IN. Two weeks after disappearance

(A frightening report on which efforts to obtain official action were extremely frustrating.) At 9:00 AM on this Sunday morning, Dee's family was preparing to go to church when they received a telephone call from a girl on vacation with her parents. Having seen Dee's poster when passing through Ocala, she believed she had just seen Dee being pushed into a car in front of an Indianapolis motel by a black man. There was a bumper sticker on the car which read, "Blacks hate whites." The Ocala police officer in charge of Dee's investigation was unavailable, and the officer on duty said he could not help! Dee's sister, Toni Karr, called Ivana DiNova in Tampa to have the Tampa P.D. check out the story; then Dee's family went on to church. But Tampa police said they could do nothing without a direct request from either the parents (now unavailable) or the jurisdictional Ocala P.D. (also unavailable). The man on duty at the Tampa FBI office told Betty DiNova he would report the incident to the Jacksonville office the next morning but he doubted they would investigate it. In desperation, Ivana DiNova called the Indianapolis P.D.; and although she got the same rules of jurisdiction there, the female officer on duty did check out the lead, but with negative results. The FBI did not investigate this sighting.

5. 12 Aug 76—St. George/UT. Three weeks after disappearance

Dee was allegedly seen at the Las Vegas Campground here by tourists who later called the Scofield's from Nevada. The FBI investigated this sighting but "were unable to locate anyone there who knew her" (presumably the informant, who had already left the area of the sighting when she contacted the Scofield's).

6. Early Sep 76—Los Angeles/CA. Six weeks after disappearance

(This was not a sighting, but the contact is extremely significant and follows the chronological/geographical sequence.) Joe Scofield received a telephone call from a man calling himself "Dr. C. A. Thomas" who said he was with a group of parapsychologists at UCLA. He said the group wanted to work on Dee's case and that they had someone coming from Holland who would be helpful. FBI did not investigate.

[Note.—There was a noted psychic, Gerard Croiset, who lived in Holland at the time. Perhaps Dr. Thomas meant to imply he was the man they were waiting for. See call from Dr. Thomas, 7 Nov 76.)

7. 15 Sep 76—Stanton/MO. Eight weeks after disappearance

On Sunday, 19 Sep 76, Joe Scofield received a telephone call from a man who claimed he had definitely seen Dee in Missouri between Stanton and St. Clair. He was a veteran enroute from a VA hospital in Columbia/MO to the VA hospital in Gainesville/FL as an out-patient. He said Dee was with other children in the yard of a home for wayward children where there were numerous shacks out in the woods where runaway children were living. He said the home had had a bad fire recently, burning some of the children badly. FBI allegedly checked out this lead, with negative results.

8. 7 Nov 76—Los Angeles/CA. Fifteen weeks after disappearance

(This refers to"Dr. Thomas" and does not involve an admitted sighting; but the fact that the caller lied about his identity and occupation to remove the only means of positively identifying Dee makes him highly suspect. His motives and current whereabouts bear investigation.) "Dr. Thomas" called Joe Scofield and told him the man from Holland had arrived and the UCLA parapsychologists believed Dee was in a California hospital in a state of shock, unable to talk with anyone. He asked Joe to send positive identification such as footprints, dental charts, etc. Dee's dental charts were sent to him. In Feb 77, when an unidentified body was discovered in Marathon/FL, the Ocala P.D. was asked to get Dee's dental charts from "Dr. Thomas" but learned he was no longer at the address given the Scofield's and the Los Angeles P.D. was unable to locate him. Dee's family was able to trace him, however, through his last telephone bill in CA, to a telephone number in TX where he was using another name. He has since vanished again and no officials are looking for him. UCLA said they had never had a parapsychologits named Dr. C. A. Thomas on their staff! The FBI did not investigate.

9. 30 Dec 76—Worthington/OH (near Columbus/OH). Five months after disapearance

(The Scofield's had moved to Ocala from a Columbus suburb ten months before Dee disappeared.) A close acquaintance of the Scofield family saw a girl resembling Dee riding in a pickup truck with a CB handle of "Runaway." The truck's license number was given that evening to a Columbus relative of the Scofield's who in turn reported it to the Ohio Highway Patrol (about 17 hours after the incident). The patrolman refused to investigate because he had no proof Dee had been abducted, and he would not call Ocala P.D. to verify her disappearance. The Scofield's finally received the information through family channels and had the Ocala P.D. check out the Alabama license tag. It took the Ocala P.D. two weeks to learn the truck owner's name and discover that he could not be be located. No further attempts have been made to find this man. The FBI did not investigate.

10. 20 Jan 77—Augusta/GA. Six months after disappearance

Acting on a telephone call received by Joe Scofield, the FBI checked out the caller and could not locate anyone by the name given. The Ocala P.D. reported that "there was no such address as the one given, and the whole block there is a Plymouth dealership."

[Note.—Did the FBI check out employees/owner of dealership?]

11. Early Sep 76—Moultrie/GA. Six weeks after disappearance

(This sighting is the only one that conflicts with the orderly geographical/chronological pattern of the preceding sightings and hence was not included in sequence.) A minister, on his way fram GA to Lakeland/FL called Joe Scofield after seeing Dee's poster in Ocala. Before leaving GA he said he hand been a couple get out of their car outside a store. A young girl—who resembled the picture of Dee—had stayed behind in the car until the couple said to her, "Come on, Dorothy, aren't you going to come with us?" The Scofield's personally maintained surveillance of this Moultrie/GA store from 15-18 Sep 76, with negative results. FBI did not investigate.

X. SUMMARY

We understand the Missing Children Act would provide a national clearinghouse for information on missing children and unidentified bodies, and that it would be accessible not only to police agencies and other authorities, but to parents of missing children as well. We feel this would be a commendable first step toward what is ultimately and urgently needed—one national agency to find missing children and their abductors, and to insure that the abductors are brought to justice.

Testimony of Ivana DiNova, Codirector and President

The five years of intensive, detailed research behind the Dee Scofield Awareness Program have led us to the awakening of Congressmen, Senators, and even our President, to the dreadful crime of kidnapping. Criminals who deal with kidnapping profit by personal gratification and in the fact that they are dealing with a multimillion-dollar industry that is virtually being allowed to go unnoticed in our country. The criminals will do what they do to make money where and when they can get away with it, so why does any type of crime exist in this country? Why are these types of criminals spreading like weeds in our society? Why are child pornography and child prostitution known to the officials—from the cop on the beat to the President of the United States—and still allowed to grow?

The most important thing is to recognize and establish that this problem exists, starting from as far up as the presidency and filtering down to the cop on the beat . . . At the same level of importance is the need for all the people in this country to see the problem and the cure at the same time. Just as the President allows the budget to be presented in this manner, I believe that without the unified realization and concentrated effort to eradicate this crime against the most innocent, we jeopardize the entire solution needed. This is needed today without wasting one more minute or one more life.

Our Crusade to Stop Kidnapping exists because we believe that all crimes committed against children deserve the highest of all priorities—even before the AWACS and the MX missile, and even before our national budget. Our children's safety and well being must come first.

Isn't it strange that in a country where justice prevails, its citizens know more about Med-flies than they do about our endangered children?

I believe that the President should meet with all of us who are dealing with and trying to eradicate this crime against children and face this war against children's crimes as one more deadly than Communism itself.

When we succeed in eradicating crime against children, children will have a chance to succeed.

Altamonte Springs, Fla., November 5, 1981.

Dear Sir: My little sister, Dee Scofield, was abducted from an Ocala shopping center on July 22, 1976, and still has not been found.

In spite of all futile efforts of family and friends, we know nothing more than we knew at the time of her abduction. Law enforcement officials did not act efficiently, and the short time they did assist, it was not prompt and thorough.

Since Dee's disappearance, the family has been referred from one agency to another, unsuccessfully, because they tell us, it is either out of their jurisdiction, or they do not deal in missing persons. This leaves the family no choice but to diligently search further, on our own, without any local, state, or federal assistance which is so desperately needed in finding my little sister and others so tragically taken from their families.

A national clearinghouse for missing persons could change all of this for many thousands of families throughout the United States, looking for their loved ones. It would give us so much hope.

Unfortunately, there is no agency established specifically for locating missing persons, and because it is a national problem, federal assistance is needed.

Please won't you help.

Sincerely,

Shelly Scott.

We are writting this letter praying that you will understand the necessity and help to launch the clearing house for missing children.

Our tragedy happened five years ago with my sister Dee Dee Scofield, who was 12 years old at that time. Dee and my mother had gone to Ocala to do some shopping, but they first stopped at the Highway Patrol's Office where my mother took her driver's license test. While waiting, Dee asked is she could go over to a department store and buy my brothers birthday gift. The store was across the parking lot from the Highway Patrol's Office. That was the last she was seen or heard from. The employees remembered her making the purchase, but no one saw her leave the store.

The whole investigation was a farce. The general attitude of the police department was that she was a runaway, even though she never had, but it was an easy out for them. Finally, after a year, they admitted more than likely, it was foul play. Why didn't they investigate along those lines to start with? If they had, the case would have been more efficient and Dee would be with us today!

As for the FBI, they're a complete joke! They refused to enter the case unless there was a ransom note or proof that she was taken across state lines. Who needs them then? They'll look for a horse valued at $500,000 without a ransom note or proof that it was taken ever state lines, but what does that say for our children? Because there's no price that can be put on human life, they're not worth looking for?

Our family hasn't been the same since my sister was taken from us. One minute she was there and the next gone. Not knowing what her fate is. We will not get to talk with her, hold her or tell her how much she's loved. Your children and grandchildren are safe right now so you can't imagine what hell families go through in this type of ordeal.

My parents spent their life savings in the search for Dee, as well as paying for private detectives who took advantage and literally ripped them off. This should never had been the case to start with if the investigation was handled properly.

A nationwide search system for missing children is desperately needed, not just for our children who have been taken from our lives, but it could help to save others, maybe one of yours, who may one day be in the same tragic situation.

Sincerely,

Toni Karr,
Ronnie Karr,
Lena Scofield,
Joe Scofield,
Pam Coppage,
Ron Coppage.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., November 17, 1981.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR CHAIRMAN EDWARDS: I am writing to express my concern over Senate approved amendments to H.R. 4169, which incorporate the provisions of S. 1701, Missing Children Act, and Amendment Number 612 which would at least delay for 2 years a pilot study for decentralization of state criminal history records.

S. 1701 MISSING CHILDREN ACT

S. 1701, introduced on October 5, 1981, by Senators Paula Hawkins, Claiborne Pell, Jeremiah Denton, Arlen Specter and Strom Thurmond amends Title 28, U.S.C. Section 534, by authorizing the Attorney General to acquire and exchange information to assist Federal, state and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals. This bill has been referred to the Committee on the Judiciary for appropriate action. The Department of Justice has been requested by the Senate Judiciary Committee to provide official comment on this legislation and is currently preparing a response. Although a significant improvement over its predecessor bill, S. 1355, certain provisions of S. 1701 cause considerable concern to the FBI.

One such provision is an attempt to provide the authority for a parent, legal guardian, or next of kin of an unemancipated person to directly provide missing person information to the FBI for the purpose of entering the missing person information into the National Crime Information Center (NCIC) missing person file. The investigation of almost all missing children complaints are the responsibility of local and state police authorities. Preliminary descriptive and investigative information pertaining to the missing person should be given to the local authorities conducting the investigation for the person. It is the local authorities that will coordinate the search, maintain regular contact with the family, update information leading to the location of a missing person, and eventually remove the name of the individual from the system. For these reasons, it is essential that state and local authorities maintain the front line position in these investigations and be given the exclusive decision making authority to enter a missing person into the NCIC file. The FBI should continue entering such information only in those cases involving active FBI investigations, i.e., violations of Federal kidnaping statute and Unlawful Flight to Avoid Prosecution—Parental Kidnaping

It should also be noted that the current bill codifies existing NCIC criteria in entering missing children; however, by creating permanent statutory language for these provisions, it may deprive FBI management the ability to expand or limit the criteria as needed.

Another significant provision of S. 1701 that should be discussed thoroughly in Committee is the creation of the National Unidentified Dead File. In June 1981, the NCIC Advisory Policy Board accepted an offer of the state of Colorado to test the unidentified dead file concept for a period of two years. The pilot project is to determine the need for such a file, cost, and the most efficient method in creating such a file. To legislate the creation of this file at this time is premature without additional data from the pilot project.

Senate Amendment 612—Delay of pilot project. Re Decentralization of State criminal history records

This amendment would delay for two or more years an ongoing pilot study for decentralization of state criminal history records, known as the Interstate Identification Index (III).

Based upon progress to date, III continues to represent the most promising alternative to centralization of computerized criminal history records. It is currently undergoing a pilot test which has yielded favorable results in a joint operation between the FBI and the Florida Department of Law Enforcement. Operational aspects of the test have been positive, as attested to by Florida representatives in a recent House Judiciary Subcommittee hearing. It is anticipated that III will reduce the cost of criminal history records management at the state level and ameliorate concerns surrounding centralized criminal history record holdings at the National Crime Information Center Advisory Policy Board. It is recommended by the Attorney General's Task Force on Violent Crime and has been endorsed by the Attorney

General and the President. Support at the state level has been expressed by Search Group Inc., a national consortium for state criminal justice information and statistics representatives, and others.

Through implementation of the pilot phase of III, momentum for achieving an effective automated criminal history records system has been gained. Earlier attempts were unsuccessful and a major reason given by state officials for this failure was the indecisiveness and lack of direction at the Federal level (Department of Justice Study "Representative Viewpoints of State Criminal Justice Official Regarding the Need for a Nationwide Criminal Justice Information Interchange Facility." March 1978). I believe that stopping the Pilot III Project will be interpreted by the states as one more example of Federal indecision and the interest and momentum in seeking a solution to this serious problem will dissipate.

While I support the concept of a study of criminal justice information needs and the use of an independent entity to conduct the study, I do not believe the proposal contained in the amendment is the preferable way to proceed. My views on this matter were set forth in a June 16, 1981, letter to the Honorable Strom Thurmond, a copy of which I am enclosing.

If I or my staff may be of any other assistance to you regarding these matters, please do not hesitate to contact us.

Sincerely yours,

William H. Webster, *Director.*

June 16, 1981.

Hon. **Strom Thurmond**,
U.S. Senate,
Washington, D.C.

Dear Senator Thurmond: I am taking this opportunity to share with you and the members of the Judiciary Committee, our thoughts concerning Senator Dole's amendment to Senate Bill 951, the Department of Justice Authorization Bill for Fiscal Year 1982. The amendment directs the initiation of a study of criminal justice information needs. It specifies the use of an independent entity to conduct the study in consultation with, and with the recommendations of, an advisory panel.

Criminal justice information, such as that managed by our Identification Division and the National Crime Information Center, is a national resource and the time is opportune to examine what data, technology, management structures and controls are needed to serve future requirements. We fully support the use of an independent entity to conduct the study and an advisory panel to provide that entity with input and guidance.

With regard to the proposed amendment, we are concerned over what we perceive as an issue-oriented, two-step approach which is likely to defer any consideration of a new system design until existing concerns are debated and resolved. It is our understanding that the ongoing study by the Office of Technology Assessment will address some of these matters. A preferable approach is to define the users' needs through an analysis of functions and clear these issues as a natural consequence of the analytic process.

When an earlier version of this amendment was first proposed, the FBI and Department of Justice staff conducted a rigorous, analytic examination of approaches and developed a proposed blueprint for such study. It would begin with a top-down analysis of criminal justice community objectives, then identify present and future information needs, perform an environmental evaluation which would include policy issues enumerated in the proposed amendment, develop functional requirements for the system, list feasible alternative methods for system design and then rank the alternatives in order of merit.

While this is an expansion of the current amendment, it will address these matters of concern plus provide the Congress and the criminal justice community with the most useful product: specifications for a system which best meets the criminal justice community's functional information requirements in light of the environment in which the system will operate over its life cycle.

Excluding travel and other costs associated with the advisory panel, we estimate that the effort we propose would require two years and cost $2.5 million. A copy of the proposed work statement is enclosed and my staff is available to confer with the Committee on this proposed plan.

Sincerely yours,

William H. Webster, *Director.*

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